



## **REPORT OF THE PUBLIC INQUIRY ON THE MOBILE NUMBER PORTABILITY REGULATIONS**

### **1.0 INTRODUCTION**

The Nigerian Communications Commission (the Commission) pursuant to its powers under Section 70 of the Nigerian Communications Act 2003 (the Act) developed the draft Mobile Number Portability Regulations. In accordance with the Commission's participatory rule making procedure, the draft Mobile Number Portability Regulations was published on the Commission's website for comments from telecommunications operators, other stakeholders and the general public.

A Public Inquiry was scheduled for March 22, 2013 and all stakeholders were duly notified. An announcement of the Public Inquiry on the Regulations was published in Guardian Newspapers on March 18, 2013 and Business Day on Friday 15-17 March 2013.

Further to this, the Commission received four (4) submissions from the following stakeholders:

1. MTN Communications Nigeria Limited
2. Airtel Networks Limited
3. Emerging Markets Telecommunications Service (trading as Etisalat)
4. Globacom Limited

### **2.0 THE PUBLIC INQUIRY**

The Inquiry held on March 22, 2013 in the Conference Hall of the Commission. The forum commenced at 12:05 am and was chaired by the Executive Vice Chairman, Dr. Eugene Juwah. The forum was attended by forty

eight (48) people drawn from the telecom operators, the media and the Commission.

The EVC welcomed everyone to the Forum and explained that the Inquiry was being held to ensure wide consultations in the enactment of regulations by the Commission. He highlighted the primary objectives of the Regulations which include:

- Providing a regulatory framework for the implementation and operation of Mobile Number Portability in Nigeria
- Fostering and strengthening the relationships between service providers in the telecommunications industry.
- Providing the guiding standards and principles for a dynamic Mobile Number Portability administration regime in the Nigerian telecommunications industry.
- Acting as an incentive for service providers to improve quality of service and customer satisfaction.
- Creating a harmonious level playing field for all operators.

The EVC enjoined all participants to make their contributions in order to develop efficient regulations that would enhance the development of the industry and the economy as a whole.

The Director of Legal & Regulatory Services, Ms. Josephine Amuwa gave a short overview of the Regulations. In addition, a summary of the submissions received from stakeholders was presented by Mrs. Afure Iloka. Further comments received are also covered by this Report.

## **A. General Overview of the MNP Regulations**

The draft Regulations is made up of 8 Parts and 26 Sections. These Parts deal with the Scope and Objective of the Act, the Business Rules of MNP, Administration of the MNP Clearinghouse, Relationship of Mobile Service Providers and Number Portability Clearinghouse Administrator, General Porting Guidelines, Transaction Charges and Reporting Requirement and Sanctions and Penalties. It also has a part on miscellaneous issues which deals with the interpretation of terms used in the Regulations as well as the Commission's power to issue directions.

## **B. Review of Submissions Received**

The Commission had prior to the Public Inquiry reviewed submissions received from Operators and the responses thereto are set out below.

### **1. Managing daily or weekly porting quotas between the Mobile Service Providers**

#### **Comment**

Clarification was requested on the meaning of “quota”.

#### **Response**

The term ‘quota’ will be deleted and the Regulations will be amended to state “Co-ordinate porting transactions between the Mobile Service Providers, ensuring consistency in the porting performance and adherence to timescales at all times”

### **2. Cooling Off**

#### **Comment**

The MNP process to be adopted no longer provides for a “cooling off” period for ported numbers.

#### **Response**

This will be deleted from the Regulations.

### **3. The NPC Administrator on maintenance period**

#### **Comment**

The Regulations should provide for the inclusion of a provision mandating the NPC Administrator to make available written details of maintenance schedules to Mobile Service Providers to enable proper planning. It was also suggested that the maintenance window should be restricted to between 00:00 hrs and 05:00 hrs to prevent maintenance spilling-over and interfering with regular service hours.

#### **Response**

The requirement for the details of the maintenance schedules and limitation on the window allowed for maintenance of NPC Clearinghouse can be

conveniently addressed in the Service Level Agreement/Multi User Agreement.

#### **4. MNP Clearinghouse Help Desk**

##### **Comment**

The Regulations need to provide for quality assurance Key Performance Indicators (KPIs) with respect to service delivery times and levels which Operators are to expect from the NPC.

##### **Response**

The MNP Quality Assurance Key Performance Indicators (KPI) can be provided for in the NPC/ Operator User Agreement.

#### **5. Mobile Service Provider's obligation to set up Operators' MNP Help Desk**

##### **Comment**

There is no need for a separate Help Desk for MNP as the existing customer complaint unit of the Mobile Service Providers can adequately receive, review and resolve customer complaints relating to MNP.

##### **Response**

This does not necessarily require each Mobile Service Provider to have a separate MNP help desk, provided the customer care unit staff are trained for MNP purposes.

#### **6. Recipient Operator's customer complaint unit shall respond to Customers complaints within two (2) hours after a problem is reported**

##### **Comment**

The meaning of 'respond' under this paragraph was not clear.

##### **Response**

'Respond' in this provision means acknowledgement. Resolution time is stated in Regulation 8(5).

## 7. Progress Update to the Subscriber

### Comment

Clarification was requested on the above provision that states thus:

*‘The Recipient Operator’s customer complaint unit shall give a progress update to the Subscriber concerning efforts being made to address the problem reported by the Subscriber, every day until the problem is resolved’.*

### Response

This provision shall be deleted. The operators should update the Subscriber in accordance with their normal business process.

## 8. Resolution of Customer Complaint – Regulation 8(5)

### Comment

The obligation placed on the Recipient Operator’s customer complaint unit obligation to ensure that the complaint or query is resolved within a maximum of forty-eight (48) hours from the time the Customer makes the complaint should be made subject to the resolution of the complaint or query being within the control of the Recipient Operator and MNP-related complaints.

### Response

The Regulations will be amended to reflect that this refers to only MNP-related complaints.

## 9. Retention of Consumer Complaints - Regulation 8(6)

### Comment

The Regulations does not provide for a definite period for the retention of records of complaints made regarding MNP. The Steering Group had ratified a period of six (6) months period for storage of data/ information relating to MNP.

Clarification was also sought on the Code of Practice which was being referred to in this provision.

### Response

The Commission clarified that the Steering Group had ratified a retention period for data/information obtained for a porting request, and not

retention of complaints received. It was stated that the retention of complaints should be in accordance with the current business practice of the Operator.

The Complaints will serve as points for review of the existing Codes of Practice submitted by Operators to the Commission. The Regulations will be highlighted to indicate this.

## **10. Referring Customer unresolved complaints to the Commission**

### **Comment**

There appears to be a contradiction between the provisions in Regulations 8(8) and 14(2). While 8(8) provides for escalation to the NCC where the Donor & the Recipient are unable to resolve a conflict within 48 hours, 14(2) stipulates that disputes which remain unresolved by parties after 7 days shall be dealt with in accordance with the Business Rules.

Furthermore, the Dispute Resolution Mechanism is not stated in the regulations /business rules.

### **Response**

Regulations will be clarified to state that any dispute which remains unsolved after 48 hours will be referred to the Commission within 24 hours for resolution. Regulation 14(2) will be amended to reflect disputes which do not impact on the Subscriber.

The Dispute Resolution will be in accordance with the Commission's Dispute Resolution process

## **11. Mechanism to Safeguard Data- Regulation 9(2)**

### **Comment**

The phrase "suitable mechanisms" in Regulation 9(2) should be defined. The stakeholder suggested that industry best practice will be applicable.

### **Response**

The phrase "suitable mechanism" will be substituted with "existing industry best practice"

## **12. Definition of ‘Authorised Persons’ - Regulation 9(5)**

### **Comment**

The terms “authorized personnel of the Commission”, “Law Enforcement Agencies” and “other relevant regulatory bodies” should be defined in the regulations to provide clarity. Operators believe this provision is too wide, and should also indicate the cadre of authorised Law Enforcement Agencies.

### **Response**

This provision will be amended to read “ the Commission and relevant authority”. The phrase ‘Relevant Authority’ will have the same meaning as in the Enforcement Regulations.

## **13. MNP Service to comply with Inter Operator Code of Practice/ MNP Consumer Code of Practice- Regulation 9(6)**

Clarification was requested clarification on the MNP Code of Practice referred to in the provision.

### **Response**

There will be no separate Code of Practice for MNP. However, based on complaints received, review of the existing Codes of Practice may be necessary.

This provision will be amended to read “in accordance with the Business Rules, these Regulations and the NPC/ Operator User Agreement.”

## **14. Routing of Calls received from Licensed Operators with no access to the Reference Data Base - Regulation 10(5)**

### **Comment**

Clarification sought on whether the provision on routing as stated includes fixed line operators..

### **Response**

This provision applies to calls to a mobile number from either a fixed line or other mobile network.

**15. Authorized Parties who are able to port but do not possess the capability for automated porting platforms or interfaces- Regulation 10(6)**

**Comment:**

It was recommended that the provision which permits the NPC Administrator to charge other Authorized Parties who do not possess this capability at a commercially competitive rate to be approved by the Commission should be commercial and available to all interested operators.

**Response**

This provision will be deleted as all mobile operators are required to obtain their own porting platform (NPG).

**16. Responsibility of the International Gateway Operator for correct direct routing of traffic to the terminating operator through the ACQ direct routing- Regulation 10(7)**

**Comment**

Clarification requested if the International Gateway Operators will have access to the Central Reference Database.

**Response**

Any operator permitted by its licence conditions to terminate traffic to subscribers and has obtained ACQ infrastructure will be granted access to the Central Reference Database free of charge.

**17. Levy of Additional Conveyance Charge for performing All Call Query Direct Routing- Regulation 10(7)**

**Comment:**

Clarification was sought on the applicability of this provision as it was agreed by the Steering Group that operators would be allowed to manage commercial arrangements with their respective international carriers for routing of international traffic to the designated recipient operator.

It was also noted that the Regulations do not contain a specific provision stating the applicable transit charges.



**Response**

This provision will be amended to state that charges for routing international traffic will be based on the commercial arrangement between the Mobile Service Provider and International Carrier. Furthermore, transit charges will be determined by the Commission but will not be included in the Regulations as it may be subject to change.

**18. Donor and Recipient Operators to maintain records for 12 months- Regulation 11(2)**

**Comment:**

The provisions are at variance and inconsistent with the position ratified by the Steering Group which allow operators a period of six (6) months for the storage of data/information relating to MNP.

**Response**

The Regulations will be amended to reflect the six (6) months period for data retention as ratified by the Steering Group.

**19. Porting Obligations of the Mobile Service Provider- Regulation 14(5)**

**Comment:**

The provision should be amended to read subsection (3) and not (5)

**Response**

This will be amended accordingly.

**20. Alternative method of porting**

**Comment:**

The Commission should consider alternative methods of porting which will run concurrently with the provision in Section 15(2) mandating porting only through a physical visit to the recipient's office or point of sale.

**Response**

This issue has been discussed extensively at the Steering Group Meetings. The Commission does not accept this proposal and reiterates that the MNP

process must be initiated by the subscriber's physical visit to the retail outlet of the Recipient Operator.

## **21. Subscriber Information Database- Regulation 16(1) (b)**

### **Comment:**

Operators should be given visibility of the Subscriber Information Database and sufficient room given for reconciliation of any conflicts therein before the launch of MNP.

### **Response**

The Commission rejects this suggestion as the purpose of the Subscriber Information Database is for verification of subscriber data and not for identification purposes.

## **22. Porting Request Form**

### **Comment:**

To ensure consistency, the Porting Request Form should be identified by the same name. In this regard, it should be called Porting Request Form as stated in Regulation 17(1) or Porting Application Form as stated in Regulation 17(2).

### **Response**

The Regulations will be amended accordingly.

## **23. Subscriber's liability to pay the Donor Operator where there are outstanding payments due to the Donor Operator- Regulation 17(1)(c).**

### **Comment:**

Post-Paid customers should be mandated to resolve their outstanding bills before they are allowed to port to a Recipient Operator. Examples were given of other jurisdictions such as Kenya, Egypt, Bahrain and India that mandate bill settlement before porting.

### **Response**

The Commission does not accept this position. This will preclude subscribers from the MNP service and also amount to the Commission interfering with the private arrangement/ contract between the Mobile

Service Providers and its Customers. Mobile Service Provider should use other means to recover unpaid bills from their Customers.

#### **24. Presentation of Identification Document- Regulation 17(2) (b)**

**Comment:**

It was suggested that the requirement for presentation of additional information be dispensed with since the Subscriber Identity database will be used as a means of verifying this. Alternatively, a wider range of identification document be allowed in case of insistence on the production of identity documents.

**Response:**

This recommendation is not accepted. Operators will be required to view the subscriber's photo identification or capture the subscriber's image. The presentation of photo identification is a mandatory preliminary confirmation by the Mobile Operator and is only verified with the data in the Subscriber Information Database.

#### **25. Levy for successful porting- Regulation 20(1)**

**Comment:**

The phrase '*successful porting*' should be clearly defined to prevent any ambiguity.

**Response**

The Interpretation Section of the Regulations will be amended to define this phrase.

#### **26. ACQ response system to be provided by the NPC at a dipping charge- Regulation 20(3)**

**Comment:**

The phrase '*dipping charge*' should be expressly defined in the interpretation section.

**Response**

The Interpretation Section of the Regulations will be amended to define this phrase.

## **27. Levy of transit charge on Recipient Operator- Regulation 20(5)**

### **Comment:**

The original/number block holder should receive this transit fee from the originator of the call instead of passing the charge to the recipient operator. This will encourage the originator to access the MNP database directly, or continue to pay transit charges to “Range Holders”.

It also means that the recipient is not financially penalized for the decision of the originator a decision over which the recipient has no control or influence.

### **Response**

The Regulations will be amended to state that the call originating operator will be levied the transit charge.

## **28. Review and Modification of the Per Port Transaction charge and Dipping charge.**

### **Comment:**

It is suggested that such review and modification should be done in consultation with relevant stakeholders, including the Mobile Service Providers and the NPC administrator.

### **Response**

The Per Port Transaction charge may only be varied downwards by the Commission within the term of the MNP Licence. However, the Dipping Charge may be reviewed in consultation with relevant stakeholders.

## **29. Sanction of the NPC administrator**

### **Comment:**

There should be a sanction for the failure of the NPC Administrator to facilitate expeditious porting of numbers as required under Regulation 13.

### **Response**

The Regulations will be amended to provide for a sanction in this regard.

### **30. Penalties against the Mobile Service provider for failure to meet certain parameters and conditions provided therein.**

#### **Comment:**

The proviso inserted in Regulation 23(2) for NPC administrator should be extended to Mobile Service Providers to avoid any discrimination. This provision states ‘... penalties in subsection (1) shall not be imposed where the failure was not as a result of wilful neglect of the NPC Administrator (in this case it should be ‘Mobile Service Provider’)’.

#### **Response**

This is not accepted. This proviso applies to the revocation of the MNP licence which is not applicable to the Mobile Operators. However, for purpose of clarity, the Regulations will be amended and state the proviso immediately after Regulation 23(1).

### **31. Errors in numbering**

#### **Comment:**

There were various comments on different errors in numbering.

#### **Response**

All numbering errors will be corrected.

### **32. Grammatical/ Spelling Errors**

#### **Comment:**

Identified Grammatical/Spelling Errors in the Regulations

#### **Response**

These will be amended accordingly.

### **33. Interpretation**

#### **Comment:**

The definition of “cooling off” should be deleted as it no longer applies. It was also highlighted that certain words/phrases in the Interpretation section are not used in the Regulations.

**Response**

The irrelevant definitions will be deleted.

**34. Porting of New MSISDNs**

**Comment:**

There is a need to exclude new MSISDNs from the MNP scheme.

**Response**

The Commission does not accept this suggestion.

**35. Handling of SMS from foreign networks.**

**Comment:**

The Regulations make no provision for the termination of SMS from foreign mobile service providers.

It is critical that the Business Rules & Port Order Processes as well as the Regulations define a clear process flowchart for termination of SMS from foreign mobile service providers.

**Response**

A similar process as applicable to international incoming calls will apply to termination of SMS from foreign mobile service providers.

**36. Need for Service Level Agreements (SLA's) regulating of expectations /obligations of the NPC**

**Comment:**

There is a need for Service Level Agreements (SLAs) regulating the expectations /obligations of the NPC.

**Response**

The duties of the NPC Administrator are stated under the Service Level Agreement in the Multi User Agreement to be executed by Parties.

### **37. Return of inactive number on Cease**

**Comment:**

There should be a Regulation on Return of Number on Cease to ensure the recipient operator returns such numbers to the block operator within a given timeframe.

**Response**

This is already contained in the MNP Business Rules & Port Order Processes and will be a period of One (1) year.

### **38. Annual National Numbering Plan (Renewal Fees)**

**Comment:**

The responsibility for payment of the annual National Numbering Plan renewal fees should be on the recipient operator at the completion of a port transaction.

**Response**

All operators will pay annual National Numbering Plan Fees (NNP) for all numbers on their respective networks at the beginning of each year.

## **C. Additional Issues Raised at the Public Inquiry**

At the end of the Commission's presentation other issues and questions were raised and the Commission responded accordingly. Highlights of the issues and responses are as follows:

### **1. Porting Requirement of Physical Visit by Subscriber**

**Comment**

The requirement of physical visit by the Subscriber to the Operator's representative office, customer care shop or retail point of sale to initiate a porting process (Regulations 15(2)) should be amended to allow for other options.

**Response**

This issue has been discussed extensively at the meetings of the Regulatory and Technical Working Groups. It was made clear that

consumers/subscribers would be required to physically go to the shops to request a port in order to avoid issues of fraudulent porting.

## **2. Access to the Subscriber Information Database**

### **Comment**

The stakeholder sought explanation on the Commission's reason for refusing to grant Operators access to the Subscriber Information Database.

### **Response**

The Subscriber Information Database is to be used for validation of subscriber information and not for identification purposes.

## **3.0 General Comments**

The Director, Legal and Regulatory Services Department thanked everyone for coming and assured them that all comments will be considered by the Commission before the Regulations are finalized.

The Public Inquiry session ended at 12:46 pm.

**Dated this 22<sup>nd</sup> day of March 2013.**

**Dr. Eugene I. Juwah**  
**Executive Vice-Chairman/CEO**  
**NIGERIAN COMMUNICATIONS COMMISSION**