



Telecom Regulatory Authority of India



Draft

**Telecommunication Mobile Number Portability (Seventh
Amendment) Regulations, 2018**

25th September, 2018

**Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi-110002**

Written comments on the Draft Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018 are invited from the stakeholders by 24th October, 2018.

The comments may be sent, preferably in electronic form to Shri S.T. Abbas, Advisor (Networks, Spectrum and Licensing), TRAI on the Email-Id: advmn@traigov.in with a copy to traimn@gmail.com.

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**TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION**

New Delhi, the 25th September, 2018

**DRAFT
TELECOMMUNICATION MOBILE NUMBER PORTABILITY (SEVENTH
AMENDMENT) REGULATIONS, 2018 (--- 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.
(2) They 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 licence or Unified licence (access service) or unified licence having authorization to provide access service”, the words “or Unified License (Virtual Network Operator) licence 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 and includes:--

- (i) “number return charge” means charge paid by the Number Range Holder for returning the mobile number after disconnection due to any reason including non-payment;
 - (ii) “bulk download charge” means charge paid by the Access Provider for downloading the complete Number Portability database;
 - (iii) “port cancellation charge” means charge paid by the Donor operator for cancelling the port request of its subscriber;
 - (iv) “subscriber reconnection charge” means charge paid by the Recipient Operator for reconnecting the ported subscriber in its network;
- (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 (i) after the words “irrespective of the” and “ before the words “mobile technology” the word “cellular”, and after the words, “another of the same Access Provider”, the words “within intra or inter licensed service area” shall be inserted;
- (e) in clause (jb) for the words “in an MNP Zone” the words “for the licence service area” shall be substituted;
- (f) 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;”;
- (g) in clause (m) after the words “by the licensor” the words “or by the Network Service Operator to the Unified License (Virtual Network Operator)” shall be inserted;

- (h) in clause (n) for the words “processing the porting request” the words “each successful porting” shall be substituted;
- (i) 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 to all the 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 (UPC).—(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; and
- (b) porting request is already in process for the same mobile number;

(2) Where Mobile Number Portability Service Provider finds that the clause (a) or (b) 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) 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 prepaid or postpaid;
- (b) the number is a Corporate mobile number;
- (c) 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;
- (d) the porting request has been made before the expiry of a period of ninety days from the date of activation of a new connection;

[the number has not been ported earlier and no history is available with the Mobile Number Portability Service Provider as per clause (a) of sub-regulation (1)]

- (e) a request for change of ownership of mobile number is under process;
- (f) there are outstanding payments 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 application for porting (in case of postpaid number);
- (g) the mobile number sought to be ported is sub-judice;
- (h) porting of the mobile number has been prohibited by a Court of Law;

(4) The Donor Operator shall ensure that its query response mechanism provides the information sought by the Mobile Number Portability Service Provider under sub-regulation (3).

(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 response from Recipient Operator on the porting request of the subscriber.

(6) If the Mobile Number Portability Service Provider finds that the request of the subscriber is not covered by the grounds contained in the clauses (c) to (h) under 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 and informing him that delivery of Unique Porting Code is delayed due to technical reason and the same shall be delivered shortly.

(8) When any one or more of the conditions contained in clauses (c) to (h), 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 of 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 further that for the corporate mobile number, the time period for forwarding the mobile number etc. to the Mobile Number Portability Service provider shall be forty eight hours from the receipt of porting request:

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

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

(7) The Recipient Operator shall be liable to pay Per Port Transaction charge in respect of each successful port.”

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.

(2) Where Mobile Number Portability Service Provider finds that the conditions (a) and (b) 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) under sub-regulation (1) are not applicable, it

shall check for the conditions (a) to (h) 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 (c) to (h) 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.
- (6) When any of the conditions contained in clause (c) to (h) 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), are not applicable, 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) 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;
 - (b) upon clearance of the porting request made under the clause (a) 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;
 - (c) upon non-clearance of the porting request made under the clause (a) of sub-regulation (9) of the regulation by Donor Operator, the Mobile Number Portability Service Provider shall inform the subscriber through SMS, the reasons for rejection of such porting request and records for a minimum period of twelve months;
 - (d) in all other 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.

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.”

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

“10. Action by Donor Operator.-- (1) 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 (h) under sub-regulation (3) of regulation 6A.

(2) Upon receipt of the details of porting request under the clause (a) 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, and --
(a) it has objection to the porting of the 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.”

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) the 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 bulk download of Number Portability database from Access Providers, other than new operators, permit such

downloads from its system and Access Provider shall pay for Bulk Download Charge to the MNPSP.”

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 24 hours of submitting of porting request by the Recipient Operator to 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 24 hours of submitting of porting request to Mobile Number Portability Service Provider by the Recipient Operator, it shall terminate the porting and shall inform Donor Operator, Recipient Operator and subscriber; provided that Donor Operator shall be liable to pay “Port Cancellation charge” to the Mobile Number Portability Service provider.

(3) In case the Mobile Number Portability Service provider receives the withdrawal message after 24 hours of submitting of porting request to Mobile Number Portability Service Provider by the Recipient Operator, no action on withdrawal request shall be taken by Mobile Number Portability Service Provider and it shall schedule the date and time of de-activation and activation as per clause (b) and (d) 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, amount outstanding, 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 further 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 with immediate effect 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 raise bills along with the relevant details in respect of Subscriber Reconnection charges 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 raise bills along with the relevant details in respect of Bulk Download charge 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 raise bills along with the relevant details in respect of Port Cancellation charge 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 raise bills along with the relevant details in respect of number return charge to the Access Provider for returning the mobile number to number range holder after disconnection due to any reason including non payment 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 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 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 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.

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 23rd Sept. 2009 and amended vide:

- (i) Notification no. 116-1/2010 dated 28th January, 2010 (1 of 2010)
- (ii) Notification no. 116-1/2010 dated 24th November, 2010 (5 of 2010)
- (iii) Notification no. 116-5/2012 dated 8th June, 2012 (16 of 2012)
- (iv) Notification no. 116-5/2012 dated 19th September, 2012 (19 of 2012)
- (v) Notification no. 116-4/2013 dated 22nd July, 2013 (9 of 2013)
- (vi) Notification no. 116-19/2014 dated 25th 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 23rd 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 25th November 2010 on pilot basis and the same was extended to the entire country on 20th 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. 3rd 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 16th August, 2017 for seeking comments of the stakeholders. The stakeholders were requested to submit their comments till 28th 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 as proposed in the draft MNP regulations as mentioned in para above, various other issues were also raised by stakeholders and new mechanisms were suggested. The suggestions/ comments submitted by the stakeholders during consultation on draft 7th 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 exiting 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 6th April, 2018, seeking comments by 3rd May, 2018 and counter-comments by 17th 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 11th 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) is being issued. 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) recently has communicated to the Authority that on-boarding of LEAs to CMS may take further time. DoT through its communication has suggested that timelines for Intra-License Service Area (Intra-LSA) and Inter- License 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 16th August, 2018.

6. The explanation of the key issues and the amendments made in the principal regulations are given in the following paragraphs:-

Allocation and delivery of Unique Porting Code

7. An issue was raised for the comments of the stakeholders whether it would be appropriate that MNPSP be assigned the task of generating and communicating the Unique Porting Code (UPC) to the subscriber intending to port his mobile number.
8. In response, some stakeholders stated that MNPSP being a neutral and third party can ensure an impartial and timely delivery of UPC. Another stakeholder favoring the move stated that it will act as a catalyst for easing out the porting process.
9. Some stakeholders stated that there is no need to change the existing process. The stakeholders supported their view by stating that TSPs are committed to comply with provisions of the MNP regulations pertaining to generation of UPC. The stakeholders were of the view that a huge sum of capital has already been invested by the TSPs in order to setup a working infrastructure for the purpose of MNP, which is not the case with the present MNPSPs and there is a possibility of technical glitches in the system of MNPSP too. One of the stakeholders stated that the proposed process will increase points of failure, as the time of generation of UPC and its delivery will have to be monitored in both the MNPSP's and DO's network.
10. As an alternative approach for generation and delivery of UPC, one of the stakeholders has stated that One Time Password (OTP) based URL portal or missed call based system may be considered for generation of UPC. Another stakeholder suggested recipient led process instead of the existing Donor led process, while another stakeholder suggested using Blockchain technology to generate UPC. Some stakeholders suggested that TRAI may do an audit of UPC generation by DOs and include delivery of UPC as a Quality of Service (QoS) parameter.

11. Further, in continuation to the statistics of rejections of porting requests on various grounds, as mentioned in the para 2 above, analysis of reports of rejections for the period April, 2017 to May, 2018 was also done. The data indicates that in the major categories of rejections 'UPC Mismatch' and 'invalid/ expired UPC' jointly constitute an average of around 44.83% of the total rejection of porting requests. Average rejections under the categories 'Payment dues' and 'Less than 90 days' are 34.50% and 12.89% respectively.
12. The figures mentioned above clearly indicates that there is no improvement in the rejections in major categories of rejections, hence, appropriate corrective measures as envisaged in the consultation paper are required to be taken to strengthen the MNP process. As already discussed, in current scenario the subscriber receive the information of rejection only after lapse of four to seven days of submitting his porting request. Accordingly, to address these issues, as envisaged in the consultation paper, UPC is proposed to be generated by MNPSP. Generation and delivery of UPC by the concerned MNPSP, after checking from the database of DO through query response mechanism on the applicable grounds of rejection of porting, shall facilitate the porting in more convenient and efficient manner.
13. The Authority has examined the comments/ observations submitted by the stakeholders. As such there is no huge investment anticipated to establish such a process where a third neutral party can be entrusted with the task. The Authority, based on the complaints received from the mobile subscribers in the past, has observed that the assigning the task of generation and delivery of UPC to MNPSP is essential in order to ensure non-discriminatory and more transparent approach to provide MNP facility to telecom mobile subscribers. The preliminary checks of the porting conditions by MNPSP with the DO before generating UPC shall facilitate the porting faster, hence, will reduce the porting time significantly. Accordingly, the Authority has decided that request for generating the UPC by the subscriber received at DO's network on Short Code 1900 will be forwarded to the concerned MNPSP who upon examination of the conditions laid down

in Regulation 6A of the principal regulations shall allocate and deliver UPC to the mobile subscriber.

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

14. On the issue of challenges in implementation of revised mechanism for generation and delivery of UPC by MNPSP, some stakeholders have mentioned that present software at MNPSPs needs to be upgraded to accommodate the changes. Some stakeholders have stated that handling voluminous transactions on real time basis; shall be difficult for MNPSPs with the existing infrastructure and result in incremental costs. Further 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.
15. Another stakeholder has stated that the existing licence conditions for the MNPSP do not cover the role of MNPSP as envisaged in the proposed process. Some stakeholders have submitted that in order to reinforce the accountability of MNPSP, the role and responsibilities of MNPSP should be clearly defined in the MNP regulations and licensing terms.
16. One of the stakeholders has opined that as MNPSP licence are coming up for renewal in March 2019; 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.
17. It is worth to mention that the systems of TSPs and MNPSPs are already having connectivity with 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 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.

18. The Authority upon examination of the comments of the stakeholders and its own analysis has come to the conclusion that despite some challenges in implementation of the revised process, the apprehensions raised by some of the stakeholders regarding requirement of huge investment or substantial changes are unfounded. The process can be implemented with optimum hardware or software changes on the part of TSPs and MNPSPs. The existing infrastructure / gateways can be gainfully utilized to implement the revised process.
19. 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 MNPSP, if deemed required.

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

20. Once the request for UPC received by DO is forwarded to MNPSP, the validation of the conditions mentioned in regulation 6A of draft regulation shall be done by MNPSP first from its own database and then from DO through query response mechanism on real-time basis.

Mechanism for monitoring the role of MNPSP in the proposed scenario

21. On the issue of accountability and role of MNPSPs in the proposed scenario, some of the stakeholders have stated that there should be a provision for detailed Service Level Agreement for each task that MNPSPs shall be required to perform. One stakeholder has suggested that periodical inspection; monitoring and auditing by TRAI should be conducted and some stakeholders have sought for regular reporting mechanism for monitoring.

22. The accountability of MNPSPs 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 Provider shall generate specific sets of statistics/ reports regarding the number of requests received for UPC from the mobile subscribers, the number of Unique Porting Code allocated successfully or any other report as required from time to time.

Contravention of the provisions of MNP Regulations

23. 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 made through the Telecommunication Mobile Number Portability Regulations, (Fourth Amendment Regulations, 2012). The Authority is of the view that due to the enhanced role of MNPSPs in the proposed regulations, and change in framework for generating UPC, the accountability of DO and MNPSP shall have to be ensured. In the changed process, it is important that wrongful rejections and providing false/ wrongful information by DO upon query made by 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.
24. Role of Access Provider or Mobile number Portability Service Provider is defined under various regulations, wherein these parties have to adhere to the timelines specified to accomplish the activity /tasks. Accordingly, Authority is of the view that the licensee, upon contravention to the provisions of sub-regulation (5) of regulation 8, or regulation 9 or sub-regulation (2) of regulation 10 or sub-regulation (4) of regulation 11 or sub-regulation (6) of regulation 11, 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.

25. 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 fictitious / invalid grounds. Such rejections pose inconvenience to the telecom consumer 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.

Time period for implementation of the amendment and reduction in time for porting

26. Most of the stakeholders have requested sufficient time for implementing the modifications in the MNP process. New process shall be established after setting up required mechanism for process of UPC generation by MNPSPs, establishing query response mechanism by the TSPs and MNPSPs. Some changes in configurations of existing gateways, implementation of new software and its testing etc., if any, will have also to be carried out by TSPs and MNPSPs.
27. Implementation of Centralized Monitoring System (CMS) by DoT is at an advanced stage which will ease various logistic and coordination issues those are prevailing due to multiple LEAs and multiple processes to be followed for porting of mobile numbers which are under lawful interception. Upon implementation of CMS, the exchange of information among the networks of TSPs and multiple LEAs will be through secure, efficient and smooth process which will be resulting in saving time and multiple efforts of the stakeholders. The smooth functioning of CMS shall provide adequate opportunity to reduce the response time by Donor Operator (presently four days) thereby leading to reduction in overall MNP porting time.

28. The existing period for porting a mobile number (seven days in all the service areas except Jammu and Kashmir, North East and Assam, where it is fifteen days) is too long and a cause of dissatisfaction to the subscribers. As per present regulations, the porting request is processed without evaluation of the eligibility conditions, and only after completion of 4 days, the reason of rejection is known to the subscriber. Whereas, as per the provision in the revised process, this issue will be eliminated as the UPC shall be generated only for the mobile numbers which shall qualify the eligibility criteria listed at (a) and (b) of sub-regulation (1) and (c) to (h) of sub-regulation (3) of regulation 6A.
29. DoT recently has suggested TRAI to delink the review of MNP timeline process from implementation of 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.
30. 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 indicates that Intra-LSA porting requests are approximately 93 % of the total MNP requests. Therefore, in order to seek views of TSPs/ MNPSPs on the implementation of timelines for Intra-LSA porting requests to two days, a meeting was held in TRAI on 16th August, 2018.
31. In the revised MNP process¹, the total time for porting shall be reduced drastically for all the subscribers, except for the corporate mobile numbers and inter-LSA porting. Since the UPC shall be generated for the mobile numbers upon gathering information from the database of DO by MNPSP,

¹ It is anticipated that by the time the proposed MNP process is implemented, the Central Monitoring System installed by Department of Telecommunications would be fully operational and all the concerned security agencies would be using 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.

therefore, it is not required to seek clearance again from DO at the stage of porting of mobile number. The MNPSP shall forward to the DO, only the porting requests of corporate mobile numbers for checking the authorization letter.

32. The Authority is aware of the fact that adequate time is required for implementation of the new process after testing and conformity. Further, readiness of CMS is essential gradient for reducing the timelines of porting process. However, till the CMS is fully implemented across all LSAs in the country, the suggestion made by DoT can be implemented as it will benefit substantial percentage of the mobile subscribers in intra-LSA porting. Keeping in view all such aspects, the amendments are made effective from six months from the date of their publication in the official gazette.

24x7 de-activation and activation of mobile numbers

33. The MNP Process proposed in the consultation paper envisaged 24x7 de-activation and activation of mobile number so as to complete the MNP process faster. The stakeholders are of the view that the Operators will have challenges regarding 24x7 activation/ deactivation as they will have to substitute their processes and systems, which will increase their cost. Further, 24x7 deactivation/ activation will disrupt continuity of services during working hours for the subscribers whose number is being ported. This may lead to complaints and dissatisfaction amongst the subscribers.
34. The Authority is in agreement with the submission of the stakeholders. Therefore, it seems reasonable to continue with the existing deactivation/ activation windows to be kept during night hours to cause minimum inconvenience to the subscribers and the service providers.

KYC requirement

35. In order to curb fraudulent porting, the issue of verifying KYC information at the time of porting by RO, available with the DO, was discussed in the Consultation Paper. Some of the stakeholders were of the view that Aadhaar number can be used for subscribers who have their eKYC done

with their existing operator (DO), whereas, others were not in favour of this methodology.

36. The Authority is of the view that this option can be implemented only when the subscribers of all the operators update their Aadhaar information with their mobile number. Since eKYC using Aadhaar number is not mandated to be linked for all transactions and there are very few telecom subscribers who have eKYC done. Moreover, with the impending implementation of 'Virtual ID' by the UIDAI, using Aadhaar number as a means to validate identity of the subscriber will be no longer suitable. In order to prevent fraudulent porting, more focus should be there to educate the telecom subscribers regarding confidentiality of UPC. Hence at present, the UPC can continue to be used for identifying and matching of the subscriber porting his mobile number.

Refund of unspent balance in case of pre-paid subscribers

37. 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 consumers, 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. Some stakeholders are in favor of making provision for refund of unspent pre-paid balances upon porting. One of the stakeholders has 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.
38. Moreover, 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. The service providers are 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.

39. The Authority has found merits in submission of the stakeholders. Keeping in view the complexities involved in the process, the Authority feels that the subscriber has to consume his unspent balance before deciding to port his pre-paid mobile number.

Withdrawal of porting request

40. In the consultation paper, it was proposed to do away with the withdrawal process of porting request. As the overall time for porting shall be reduced, it was felt that retaining this provision would only add to the overall porting time. However, most of the stakeholders were of the view to continue with this option available to the subscriber. As submitted by a stakeholder, provision of choice to the subscriber is the essence of the MNP and hence the choice of not going ahead with the MNP request should also be given equal importance. Thus, doing away with this process would restrict the subscriber from exercising his right of choice. Similar concerns have been expressed by few other stakeholders.
41. Some stakeholders have suggested SMS based process for withdrawal of the porting request instead of submitting withdrawal request in writing. It has also been reported that pilot testing of SMS based porting withdrawal process has been implemented by some TSPs and its results have been encouraging.
42. In view of the above, in the revised MNP process, since the porting request received on a particular day may be scheduled by MNPSP for de-activation from the network of DO and activation in the network of RO within 2 days and 4 days respectively in the case of Intra-LSA and Inter-LSA port request, withdrawal request can be allowed to be submitted by the subscriber within 24 hours of submitting of porting request. The requests received by MNPSP can be time-stamped and the porting process can be stopped in the cases where the requests are received well before the prescribed time limit of 24 hours.

43. In case the Mobile Number Portability Service Provider receives the withdrawal message after 24 hours of receiving the request for porting from Recipient Operator, no action on withdrawal request shall be taken by Mobile Number Portability Service Provider and it shall schedule the date and time of de-activation and activation as per the regulation 9.
44. For the convenience of subscribers and in order to simplify the process, the request for withdrawal can be submitted directly to MNPSP by sending an SMS to a designated Short Code. Subscriber may withdraw the porting request by informing the Mobile Number Portability service provider through SMS to the specified Short Code within 24 hours of making the porting request.

Reconnection of mobile numbers under NPD request

45. 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, 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 process. 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 subscriber's mobile number in such cases.
46. The stakeholders have agreed that till the time the number has not been returned to the number range holder, the number can be re-activated by the MNPSP once the subscriber can verify 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

47. In the consultation paper, issue of ancillary service charges was raised for the comments of the stakeholders. It was discussed 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.
48. One of the stakeholders, taking a neutral position on the issue has mentioned that these activities are an integral feature of MNP process; hence, TRAI needs to decide on this issue. Other stakeholders opposing such charges payable to MNPSPs have submitted that MNPSPs should not be allowed to charge for the ancillary services, as the proposed structure envisages a similar form of information gathering, which is being followed in the current MNP process. Some of the stakeholders also mentioned that the Per Port Transaction charges are inclusive of all the costs borne by the MNPSPs.
49. In response to the proposed charges as discussed in the para above, some stakeholders have submitted that in order to perform such activities, MNPSPs should be compensated, as it requires time and effort on their part. As the MNPSPs shall have to incur additional cost for these functions, therefore they should be allowed to charge for the ancillary services.
50. One of the stakeholders has submitted that the business proposition for the MNPSPs has become unviable due to lowering of per port charge to Rs. 4 from the earlier provision of Rs. 19 per port (globally unprecedented low price). Consequently, the MNPSPs must be allowed to charge for any ancillary services such as NPD, Number Return and Bulk Data Downloads. In support of their argument, the stakeholder has submitted that some of the services/ transactions are substantial in quantum and utilise the MNPSP system and at the same time consume substantial system/ human

resources. The stakeholder while providing the related data has mentioned that in the recent past, many operators did shut down their services and this led to high volume of number return transactions with MNPSP. About 8 lakh such transactions were completed in June, 2018 itself which constituted 22% of the total transactions for the month. On the activity related to NPD, the stakeholder mentioned that such requests are significant in quantum and around one lakh such requests were received within a month. Further, keeping such information in the database utilizes the storage capacity of MNPSP system in addition to processing resources of system. In case of bulk-download request, MNPSPs get approximately 100 such requests per month from different operators. On the activity of re-allocation of number series, the stakeholder mentioned that in recent past they are getting a lot of requests for re-allocation of number series and more than 20 requests were received in 2 months time.

51. Another stakeholder, in support of making these charges applicable has stated that these supplementary services bring financial and operational benefit to the operators and to make it possible, MNPSP has implemented necessary software modules to support the services that add value to the overall MNP process. The stakeholder mentioned that during the number return, once the process is completed, MNPSP is responsible to broadcast the status of MSISDN with the new owner details to the entire industry. This is a similar broadcast sent after a port is completed. On NPD, the stakeholder stated that though the NPD process involves settlement of bills, which is outside the scope of MNPSP, it sends regular reports to the operators for all such pending NPD cases and also follow up with them until the process is completed.
52. Further, on the activity of bulk download of the database by the TSPs, the stakeholder has stated that on the request of operators, MNPSP had to introduce a change in the software to allow multiple formats of bulk sync files so that it can be easily run in the operator gateways. As per the license condition of MNPSP, a full download is required only for a new participant. An incremental (delta) download is required when an existing participant's system had gone down. This is a facility to be utilized only during an outage

or a new operator on-boarding but it has been noticed that due to operational inefficiencies at operator's end, bulk files are used for reconciliation purpose on a regular basis.

53. Ancillary services such as Number return to the number range holder, reconnection of mobile number, bulk download of database by Access Providers and port cancellation are some of the services being rendered by MNPSPs. Keeping in view the above, the Authority has decided that Bulk download charges should be paid by the Access Provider for downloading the complete Number Portability database; Port cancellation charge should be paid by the Donor operator on cancellation of port request of its subscriber and Subscriber Reconnection Charge paid by the Recipient Operator for reconnecting the ported subscriber in its network as per para 45 above. The number return charge should be paid to MNPSP by the concerned Access Provider who is the number range holder.

Validity of Unique Porting Code

54. As discussed in the consultation paper, the reduction in porting time shall add more convenience to the telecom subscribers. Accordingly, on the issue of validity of UPC, stakeholders have provided varied views. Some stakeholders have stated that validity should be not more than 24 hours, whereas, another stakeholder has stated that UPC validity should be reduced to 4 days at the most. One of the stakeholders has suggested that UPC validity should be upto 30 working days, whereas another stakeholder has submitted that UPC should be valid for a maximum of 48 hours and it may be kept longer in case of corporate ports, if required.
55. Some stakeholders have shown disagreement on reducing the validity of UPC. According to the stakeholders this will result in increased porting failures. Some stakeholder stated that it is against the consumer's interest and reduction in validity of UPC may force customers to generate UPC again, loading the systems unnecessarily. One stakeholder has suggested continuing with existing validity.

56. As envisaged in the revised MNP process, UPC is proposed to be generated post retrieval of certain information from the database of DO by MNPS. In such a scenario the certain attributes of the database accessed by MNPS are of dynamic nature e.g. payment dues, legal aspects etc.; hence shorter life of UPC is justified. 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 four days for all the license service areas. The validity of UPC for the license service areas of Jammu & Kashmir, North East shall remain unchanged till further decision. It is further elaborated that the port request once reaches to MNPS within four days of generation of UPC; the port request and UPC shall be treated as valid.

Structure of Unique Porting Code

57. On the issue of structure of the UPC, most of the stakeholders are of the view that existing structure of UPC is adequate and no change is warranted to alter the UPC at this stage. Some stakeholders have stated that sharing information regarding status of subscriber, i.e. prepaid or postpaid before porting request is commercially sensitive and not relevant for UPC generation. Therefore, it is not appropriate to review the existing structure of UPC.

Leveraging new technologies in the MNP Process

58. The consultation paper had sought inputs of the stakeholders on leveraging new technologies, such as blockchain for facilitating faster and transparent MNP process. The stakeholders had mixed views on this issue as well. While some of the stakeholders welcomed the idea of implementation of blockchain technology in improving overall efficiency of the MNP process, others were of the view that this would require massive computing processes to validate the encryption algorithms which would be an expensive solution with little benefit over the traditional porting processes. Blockchain technology, being in a nascent stage and due to non availability of industry-wide standards for telecommunications use cases, implementation of blockchain technology may be revisited later.
59. Any other issue: Stakeholders may provide suggestions/ comments on any other issue for improving the MNP Process.