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THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP.306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS (MOBILE
NUMBER PORTABILITY) REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

Regulation

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THE ELECTRONIC AND POSTAL COMMUNICATIONS (MOBILE NUMBER
PORTABILITY) REGULATIONS, 2018

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Electronic and Postal Communications (Mobile Number Portability) Regulations, 2018.
- Application 2. These Regulations shall apply to all electronic communication operators in relation to telecommunication numbering resources.
- Interpretation 3. In these Regulations, unless the context otherwise requires:-
- Cap.306 “Act” means the Electronic and Postal Communications Act;
“administration services” means all services needed for the administration of the porting process and all services needed to inform the operators about the network to which a telephone number or service number is connected;
“additional cost” means cost of conveying a call to a recipient operator for a ported number over and above the cost of conveying a call to the same operator for a non-ported number;
“all call query” means a call routing solution used in number portability, whereby a network operator makes copies of central data base of ported numbers and queries it to find out which network to send a call to;
“Authority” means the Tanzania Communications Regulatory
- Cap. 172

- Authority (TCRA) established under the Tanzania Communications Regulatory Authority Act;
- “CDMA” means Code Division Multiple Access;
- “clearing house administrator” means number portability entity licensed by the Authority to administer the number portability clearinghouse, co-ordinate its activity, control the number portability process in a centralized and automated way and render other services stipulated in the respective licence;
- “donor” means the provider of public telephone services whose subscriber or former subscriber wants to use or uses the services of another provider of public telephone services in retaining the subscriber number, which was or is used to receive electronic communication services of the donor;
- “electronic communication number” means the number, sign or other mark which an electronic communication operator uses in its delivery of electronic communication services for identification of electronic communication facilities in order to connect between the place of transmission and the place of reception or for identification of the type of content of transmission to be delivered by the electronic communication facility;
- “electronic communication operator” means any person licensed by the Authority to provide electronic communication services;
- “GSM” means Global System for Mobile communications;
- “licensee” means provider of public land mobile network services;
- “mobile number portability” means the customer’s retention of his mobile number as he changes from one mobile service provider to another;
- “national numbering plan” means the plan for electronic communications numbers as maintained by the Authority;
- “national significant number” means the number to be dialled following the national (trunk) prefix to obtain a subscriber in the same country or group of countries included in one integrated numbering plan but outside the same local network or numbering area;
- “numbering register” means the Communication Numbering

System Register maintained by the Authority in accordance with regulation 4;

“number portability clearinghouse” means a centralized automated system , which contains a reference database serving as a central point for porting all mobile numbers and a central numbers repository and executes and manages all porting processes between operators, verifying all completed requests, tracking request status, routing data and history;

“original operator” means the provider of public telephone services, who has been granted by the Authority the first right to use the number and therefore owns number range of a subscriber;

“recipient” means the provider of public telephone services, the services of which the subscriber wants to use or uses in retaining the telephone number, which was or is used to receive services of another public telephone provider;

“SMS” means Short Message Services;

“subscriber” means a customer of any service provider defined herein;

“tariff transparency” means tariff information provided by means of a beep sound, a display of charges on the subscriber’s terminal screen or voice recorded announcement indicating that the called party number is ported; and

“MMS” means Multi-media Message Services.

PART II

THE MOBILE NUMBER PORTABILITY

Responsibilities
of the Authority

4.-(1) The Authority shall maintain and control all electronic communication numbers and ensure their fair and efficient use by:-

- (a) performing proper planning, allocations and monitoring;
- (b) maintaining the national electronic communication numbering register for all carriers and operators in respect of resources which have been assigned;

(c) introducing number portability in the country.

(2) The Authority shall establish a Mobile Number Portability Steering Committee whose Chairman shall be the Director General of the Authority.

(3) Members of the Committee shall be managing directors of the licensees and other parties involved in the Mobile Number Portability.

(4) The Steering Committee shall, from time to time, meet to discuss matters relating to operation of number portability in the country.

(5) The Authority shall maintain the number portability documents, including: -

- (a) Mobile Number Portability Business Rules;
- (b) Mobile Number Portability Port Order Processes;
- (c) Mobile Number Portability Helpdesk Processes; and
- (d) Mobile Number Portability Code of Conduct.

Number Porting
Approach,
Solution and
Conditions

5.-(1) The number portability in the United Republic shall be implemented by means of a centralized clearinghouse approach and a direct routing using All Call Query (ACQ) solution.

(2) The porting processes shall be designed around a “one-stop-shop” concept, whereby the customer shall start the porting procedure by contacting the new operator or service provider and the proposed recipient operator shall be required to manage the process on behalf of the customer.

(3) An active pre-paid and post-paid mobile customer shall be allowed to port his mobile telephone number to any service provider of his choice.

(4) A licensee shall facilitate number portability when a subscriber is:-

- (a) changing the method of payment from prepaid to post paid services and vice versa;

(b) changing from one mobile network technology to another; and

(c) changing from one licensee to another.

(5) Where a subscriber changes from one licensee to another after porting a number, the Authority shall grant the right to the recipient to use that subscriber number and the obligations related to it shall be transferred from donor to the recipient .

(6) The procedure for dialing the ported subscriber shall be identical to the procedure for dialling the non-ported number.

(7) A licensee shall provide tariff transparency in real time for ported numbers.

(8) A licensee shall acquaint subscribers with information on number portability including:-

(a) terms and conditions of porting;

(b) impact of the subscriber's decision to use number portability; and

(c) sources of, and accessibility to the information on number portability.

(9) Mobile number portability shall not include porting the Subscriber Identity Module (SIM), when porting, the recipient operator shall issue the porting Mobile Subscriber with a new SIM card.

(10) There shall be no limit to the number of times that a subscriber can port his number between service providers:-

Provided that, a subscriber shall only port once in thirty days.

(11) The subscriber who is newly registered in the current donor network shall not be allowed to port until a period of sixty days has passed.

(12) Any porting mobile subscriber using post-paid services at the donor operator shall be capable of using pre-paid services at the recipient operator and vice versa.

(13) A post-paid subscriber may only port his number if he has a maximum of one pending bill cycle or

no outstanding payments.

(14) A pre-paid subscriber who ports his number to a different licensee, shall ensure that the pre-paid balance in his account is utilized to a minimum level unless inter-operator pre-paid balance transfer is effective.

(15) Where the prepaid balance under sub regulation (14) is not utilized to a minimum level the pre-paid subscriber shall forfeit the remaining pre-paid balance in his account.

(16) A recipient shall not be bound to pay any deposits or outstanding payments which are due from the donor.

(17) The subscribers with mobile money in their mobile accounts shall ensure that the money have been removed to a minimum level of transaction unless inter-operator money transfer is effective.

(18) A ported subscriber shall retain all previous services available with the recipient operator including but not limited to Voice, SMS and MMS.

Status of a ported number

6.-(1) Once a subscriber ceases to be active with the last recipient operator, the ported number shall immediately be returned to the original operator who holds the range.

(2) The original operator shall quarantine the number from porting for a period of one month before re-issuing the number.

PART III
NUMBER PORTING PROCEDURES, CLEARINGHOUSE,
AND ASSOCIATED CHARGES

Changing from one mobile network operator to

7.-(1) When changing from one licensee to another, a written application of subscriber which is submitted to the recipient shall form the basis for number

another

portability.

(2) In the event the subscriber uses public telephone services of the donor, which the subscriber's donor does not identify, the subscriber shall, together with the application, submit evidence that he is a party to the agreement concluded with the donor.

(3) Subject to laws on protection of personal data and privacy of the recipient, the subscriber shall have the right to receive information from the donor in order to establish authenticity of the documents submitted.

(4) The donor shall provide the information that the recipient requests not later than two working days counting from the day of receipt of the recipient's number porting application prepared by the number portability clearinghouse.

(5) The number portability process shall be recipient led and implemented in line with the following procedure:-

- (a) the recipient shall fill in an application for porting of a number, providing the following:-
 - (i) date and time of number porting application;
 - (ii) particulars of the recipient;
 - (iii) particulars of the donor;
 - (iv) telephone number or number range to be ported;
 - (v) information for identification and legal status of the subscriber.
- (b) the recipient shall send the request to the number portability clearinghouse automated system for verification and generation of a report of number porting application to be submitted to the donor;
- (c) number portability clearinghouse shall assign a unique number to each application for reference;
- (d) after receiving a number porting application, the donor may:-

- (i) either acknowledge request as per the procedures of the automated system; or
 - (ii) reject the request if numbers can not be ported by sending a message specifying the reason;
- (e) the number portability clearinghouse shall save the information supplied by the donor and inform the recipient by the corresponding message;
- (f) before the porting time, the number portability clearinghouse shall submit a notification message to all service providers to make technical changes in their networks, so that the ported number shall be accessible from their networks and to all telephone network operators and public telephone communications service providers linked to the number portability clearinghouse whereby at the porting time:-
- (i) the recipient shall connect the number and send confirmation about connection of the number to the number portability clearing house;
 - (ii) the clearing house shall send a notification to the donor about the connection of the number;
 - (iii) the donor shall disconnect the number and send a confirmation about disconnection of the number to the number portability clearing house;
 - (iv) the number portability clearing house shall send a notification message to all licensees;
- (g) the number portability process may only be cancelled before the validation message has

been received by the number portability clearing house from the end user;

- (h) the donor and the recipient shall ensure that the number portability process lasts no longer than two working days;
- (i) the number portability clearing house administrator shall, electronically, notify the recipient and donor on the:-
 - (i) commencement of the number portability process;
 - (ii) number deactivation and activation date.

(6) Subject to sub regulation (9), the donor and the recipient shall carry out instructions of the number portability clearinghouse administrator and conditions on using the number portability clearinghouse prescribed in these Regulations.

(7) The recipient shall be responsible for notifying the subscriber about the status of the number portability.

(8) The mobile number portability process shall be carried out in such a way that the number is activated before it is deactivated and that process shall not exceed fifteen minutes.

(9) The number portability clearinghouse administrator shall, after deactivation of the ported subscriber number at the donor and electronically, inform all licensees about the ported subscriber number specifying the subscriber number being ported, and the donors' and recipients' networks identification data.

(10) Licensees shall ensure their wholesale or retail billing systems are capable of recognising the establishing number portability for correct accounting and billing.

Number
portability

8.-(1) The number portability shall be carried out through the number portability clearinghouse database

clearinghouse obligations

ensuring the possibility to receive information about any subscriber number, which is necessary to direct the information, being communicated to the networks of licensees.

(2) The number portability process shall be carried out by means of the number portability clearinghouse processes engine ensuring proper inter-operator processes necessary to initiate, reject, accept, complete and terminate porting of numbers between licensees.

(3) The number portability clearinghouse administrator shall operate independently from licensees operating in the United Republic and shall not, by all economical and legal connections, be related to them.

(4) The number portability clearinghouse administrator shall be issued a licence by the Authority to provide administration services in accordance with the procedures set by the Authority.

(5) The number portability clearinghouse administrator shall, on quarterly basis, submit to the Authority the report on ported numbers or at such times as the Authority may request.

(6) The number portability clearinghouse administrator shall establish technical requirements for the use of the number portability clearinghouse, in compliance with international standards, specifications and recommendations.

(7) The number portability clearinghouse administrator shall publish on its website the financial, technical and administration conditions on using the number portability clearinghouse.

(8) When a third party intends to connect to the central data base of ported numbers, the Authority shall provide the approval.

Licensee's obligations on number portability

9.-(1) A licensee shall on its own account, take measures to facilitate mobile number portability.

(2) A licensee shall inform the number portability clearinghouse Administrator about the newly assigned subscriber numbers on monthly basis together with date of assignment or activation in the network.

(3) A licensee shall not use porting data or records relating to “lost subscribers” for marketing purposes during or after the porting processes.

Charges to cover the number portability clearing house administration

10. The clearinghouse administrator shall provide the Administration Services to licensees subject to fees set hereinafter:-

- (a) Porting fee shall be paid by the recipient operator;
- (b) a recipient operator shall pay a one-time fee of 2.10 USD per port to the clearinghouse administrator ;
- (c) the one-time fee shall be payable by the recipient operator, on monthly basis, directly to the Clearinghouse Administrator depending on the numbers ported in his network in that particular month.
- (d) The Authority may review this fee after every two years and during this review, the cost per port may increase or decrease depending on porting activities and performance of MNP service in the country.

Costs for porting numbers

11.-(1) A licensee originating traffic shall bear its own additional costs of conveying calls for ported numbers to the recipient.

(2) A donor shall not recover any costs related to mobile number portability from the recipient.

(3) A recipient shall not recover any costs related to mobile number portability from the porting mobile subscriber;

(4) A recipient shall not recover any costs related to mobile number portability from the donor;

(5) A donor shall not recover any costs related to mobile number portability from the porting mobile subscriber.

PART IV
GENERAL PROVISIONS

Quality of
Services

12.-(1) A licensee shall ensure that any service passing through its network is delivered at the level of quality prescribed in the Quality of Service Regulations.

(2) A licensee shall ensure that number portability complies with the prescribed quality of service parameters.

Non-
discriminatory
treatment

13. A recipient shall not provide services on any less favorable terms than those it affords to subscribers of its own, its subsidiaries, affiliates or other similarly situated network or licensee.

Dishonest
porting

14.- (1) A licensee who dishonestly ports a number shall bear the costs for reversing the port.

(2) Notwithstanding the provision of sub regulation (1), a person who dishonestly ports a number commits an offence under these Regulations and shall, on conviction, be liable to a fine not less than five hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.

Dispute
Resolution

15.- (1) where there is a dispute on number portability, the parties shall refer it to the Authority.

(2) Where a dispute has been referred to the Authority pursuant to sub regulation (1) the Authority may require the petitioning party and the responding party to provide such information as may be necessary for the Authority to determine the matter.

(3) Where any party refuses or fails to provide the information required by the Authority within the prescribed time, the Authority may proceed to resolve the issues on the basis of the best information available.

(4) In resolving any dispute on number portability, the Authority may:-

(a) impose appropriate conditions on implementation of the terms and conditions by the parties to the agreement; and

(b) ensure that such resolution and conditions meet the requirements of the Act and these Regulations.

(5) Any person aggrieved by decision of the Authority in any matter relating to number portability may appeal in the manner of appeals against decisions of the Authority as prescribed in the Act.

Penalties

16.-(1) Any person who contravenes any provision of these Regulations commits an offence and shall be liable, on conviction, to a fine of not less than five hundred thousand shillings or to imprisonment for a term not exceeding three months.

(2) Notwithstanding sub regulation (1), where a person commits an offence under these Regulations, the Director General may, where such person admits in writing compound such offence by collecting from that person a sum of money not exceeding the amount of the fine prescribed for the offence.

Revocation
of
G.N No.
422
of 2011

17. The Electronic and Postal Communications (Mobile Number Portability) Regulations, 2011 Regulations are hereby revoked.

Dar es Salaam,
3rd January, 2018

MAKAME M. MBARAWA
*Minister for Works, Transport and
Communications*