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TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

New Delhi, the 25th February, 2015

**TELECOMMUNICATION MOBILE NUMBER PORTABILITY (SIXTH
AMENDMENT) REGULATIONS, 2015**

(03 of 2015)

No. 116-19/2014-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 (Sixth Amendment) Regulations, 2015 (03 of 2015)
(2) They shall come into force on the 3rd day of May, 2015
2. In regulation 2 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) (herein after referred to as the principal regulations) --

(a) in clause (a), after the words “ Unified Access Service licence, the words “or Unified licence (access service) or unified licence having authorization to provide access service” shall be inserted ;

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

“(ja) “Mobile Number Portability zone” or “MNP zone” means the zones contained in the Annexure-VI of the licence agreement for the Mobile Number Portability Service ;”

(jb) “mobile number range” means the number series allocated by the licensor to an Access Provider in an MNP zone;

3. In regulation 3 of the principal regulations, sub-regulation (1) shall be deleted

4. In regulation 8 of the principal regulations, in sub-regulation (6) -----

(a) for the words “concerned Mobile Number Portability service provider”, the words “Mobile Number Portability Service Provider of MNP zone to which the mobile number range holder of number under porting belongs” shall be substituted;

(b) in the first proviso, after the words “the Mobile Number Portability Service provider”, the words “of MNP zone to which the mobile number range holder of the number under porting belongs” shall be inserted.

5. In regulation 11 of the principal regulations, in sub-regulation (1), in the proviso to clause (c), after the words “provided that in”, the words “case the Recipient Operator belongs to” shall be inserted.

6. In regulation 12 of the principal regulations, the clause (f) shall be deleted.

7. In regulation 14 of the principal regulations, -----

(a) after the sub-regulation (4), the following proviso shall be inserted, namely:-

“Provided that no notice shall be given after thirty days from the last date of payment mentioned in the outstanding bill”;

(b) in sub-regulation (5), after the words “the Donor Operator shall communicate” the words “within thirty days” shall be inserted;

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

“Provided that no communication for disconnection of ported number shall be given to the Mobile Number Portability Service Provider after sixty days from the last date of payment mentioned in the outstanding bill”.

8. In regulation 15 of the principal regulations, -----

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

(i) after the words “a notice” and before the words “ to the concerned subscriber”, the words “ of fifteen days” shall be inserted;

(ii) the words “the period of which shall be not less than seven days and not more than fifteen days, ” shall be deleted;

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

“(4) In case, the subscriber fails to provide evidence of having settled the outstanding dues with the Donor Operator within the time so allowed in the notice under sub-regulation (3), the Recipient Operator shall immediately bar all outgoing services on the mobile number of such subscriber except accessibility to emergency services as specified in the licence agreement of the service provider;

Provided that if the subscriber furnishes evidence to the Recipient Operator regarding payment made to the Donor Operator, within fifteen days from the date of barring of outgoing services, the services of the subscriber shall be restored with immediate effect;

Provided further that, in case the subscriber fails to make payment referred to in the first proviso, the Recipient Operator shall disconnect the mobile number of the subscriber and inform the Mobile Number Portability Service Provider of the action taken by it with request for reversal of such number to the Number Range Holder after expiry of sixty days.”;

(c) in sub-regulation (5), for the words “ninety days”, the words “sixty days” shall be substituted.

(Sudhir Gupta)
Secretary

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

- a) Notification no. 116-1/2010 dated 28th January, 2010 (1 of 2010)
- b) Notification no. 116-1/2010 dated 24th November, 2010 (5 of 2010)
- c) Notification no. 116-5/2012 dated 8th June, 2012 (16 of 2012)
- d) Notification no. 116-5/2012 dated 19th September, 2012 (19 of 2012)
- e) Notification no. 116-4/2013 dated 22nd July, 2013 (9 of 2013)

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 in the country. The regulation 6,7,8,9,10,11,12 and 13 of the Regulations came into effect in all telecom service areas in the country from 20th January 2011 through the Authority's direction dated 18th January, 2011.
2. Now the Government has decided to implement inter-service area mobile number portability (Full Mobile Number Portability). Accordingly, necessary amendments to the MNP service license were issued by the Department of Telecommunications (DoT) through letter No. 800-22/2013-AS-II dated 3rd November, 2014 wherein it is stated that Full MNP would be implemented in the country within six months from the said amendment. In this context the Authority issued a draft The Telecommunication Mobile Number Portability (Sixth Amendment), 2015 on 23rd January, 2015 seeking comments of stakeholders for facilitating Full MNP. In addition, the draft amendments also proposed some changes to the existing porting process viz. reduction in timelines for number return process, refining non-payment disconnection issues etc.
3. In response to the draft Amendment, fifteen stakeholders submitted their comments. These comments have been examined by the Authority and, after deliberations, this Sixth Amendment to the MNP Regulations is being issued. The explanation for the amendments made in the Regulations is provided in the following paragraphs.

Time period for implementation

4. As per the DoT's amendment to the MNP service licence, full MNP (inter and intra Licensed Service Area MNP) is to be implemented within six months from the date of the said amendment to the Licenses. Accordingly, the Authority has made the Sixth Amendment to the MNP Regulations effective from 3rd May 2015.

Forwarding of porting request by the Recipient Operator

5. On a request by a subscriber for porting of his number, the Recipient Operator (RO) will forward the porting requests to the MNP Service provider (MNPSP) to which the number range holder (service provider who originally allocated the mobile number) belongs. Even if a subscriber ports his mobile number from one MNP Zone to another, the same MNPSP will continue to handle his porting requests for all subsequent portings. This is required as the porting history of the subscriber is maintained by the MNPSP of the MNP zone to which his number range holder belongs.

Time period for Donor Operator to raise non-payment disconnections:

6. The MNP Regulations provide that in case a post paid subscriber defaults in the payment which was due to the Donor Operator (DO), the DO may request the RO for disconnection of the ported mobile number. It is noticed that in many cases, the DO raises disconnection requests (due to non-payment of outstanding bill) long after the subscriber has ported his number. Therefore, there is a need to bring order in this matter so that non-payment disconnection cases are settled in a timely manner by the Donor as well as the RO to avoid any inconvenience to the subscriber at a later date. Accordingly, in the Amendment, time period of 'thirty days' from the due date of the outstanding bill has been specified for a DO to raise the non-payment notice to the subscriber who has defaulted in the payment. It is also stipulated that after completion of 'sixty days' from the due date of payment of the outstanding bill, the DO will not be entitled to raise non-payment disconnection requests to the RO through the MNP service provider.

Increase in Notice period for disconnection by the RO

7. In response to the draft Amendment, most stakeholders have requested for increase in the notice period given by the RO to the subscriber who has defaulted in the payment to the DO from the existing fifteen days period to thirty days. After examination, the Authority has agreed to increase the time period. However, provision has been made for barring outgoing services of such defaulting subscriber for fifteen days, so as to prompt the subscriber to pay the outstanding amount due to the DO. Further, the extended period will also help inter-service area porting subscribers who may have to settle outstanding payments of a different service area from where the subscriber ported his mobile number. In case the subscriber fails to make payment within fifteen days, his mobile number will be disconnected permanently by the RO and number will be returned to the number range holder after sixty days.

Reduction in timelines for Number return process

8. In the existing MNP Regulations, in case of disconnection of a mobile number in the network of RO, it is mandated that such mobile number will be returned to the number range holder after the expiry of ninety days. This implies that once a mobile number is disconnected, it remains unutilized for as long as ninety days. For effective utilization of such a mobile number, the Authority has reduced this time period to sixty days.
