

Telecom Hotline

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MOBILE NUMBER PORTABILITY: REGULATIONS

The much awaited Mobile Number Portability ("MNP") which will increase competition amongst telecom service providers and enable subscribers to switch telecom operators without getting their phone numbers changed, would eventually be rolled-out by December 31, 2009 in metros and category "A" service areas. The roll-out dates for the rest of the country is proposed to be March 20, 2010.

Earlier, the Telecom Regulatory Authority of India ("TRAI") had issued draft regulations on June 30, 2009 to invite comments from stakeholders. Thereafter on **September 23, 2009** TRAI after taking note of the comments from stakeholders, formally issued the regulations on Telecommunication Mobile Number Portability ("**Regulations**"). We have provided a brief snap shot of the Regulations.

SALIENT FEATURES

- Porting would allow the subscriber to retain the mobile number while moving from (within the same service circle) –
 - One Access Provider to another irrespective of the mobile technology / platform; or
 - One cellular mobile technology to another of the same Access Provider.

[Thus a subscriber can move from a CDMA service provider to a GSM service provider]

"**Access Provider**" means the holder of a Cellular Mobile Telephone Service licence ("**CMTS**") or Unified Access Service licence ("**UAS**") and includes a service provider providing fixed wireline or fixed wireless service in addition to cellular mobile telephone service.

- MNP facility shall be available only within a given licensed service area.
- A subscriber is eligible to make a porting request in accordance with the following time lines –
 - After 90 days of the date of activation of his mobile connection in the event the number has not been ported earlier; or
 - If the number is already ported once, the same number can be ported again only after 90 days from the date of the previous porting.
- The subscriber making the porting request is required to have cleared all outstanding dues prior to the date of the porting request and shall be liable to pay all amounts which are due up till the date of actual porting.
- The subscriber who wishes to port his mobile number should approach the Recipient Operator. The Recipient Operator shall verify the details / documents of the subscriber, obtain a unique porting code from Donor Operator and shall within 24 hours forward the same to the Mobile Number Portability Service Provider ("**MNPSP**").

"**Recipient Operator**" means a provider who will be providing mobile telecommunication service to the subscriber after porting and includes his authorised agent.

"**Mobile Number Portability Service Provider**" means an entity who has been granted a licence under Section 4 of the Indian Telegraph Act, 1885 (13 of 1885) for providing mobile number portability service.

- Upon receipt of the details by the Recipient Operator, the MNPSP shall confirm the eligibility of the subscriber for portability and forward the same to the Donor Operator for seeking clearance. Subsequently, the Donor Operator shall verify the details / documents of the subscriber and shall within 24 hours notify MNPSP of the same.
- Thereafter, MNPSP shall fix the date and time of porting and shall simultaneously notify the Donor Receipt and Recipient Operator.
- A subscriber may withdraw his porting request within 24 hours of its submission to the Recipient Operator. However, the porting charges shall not be refundable.
- The regulation envisage a maximum time period of 4 days for the completion of the porting process in all licensed service areas except in the case of Jammu & Kashmir, Assam and North East licensed service areas. However, Sundays and all public holidays declared under the Negotiable Instrument Act, 1881 shall be excluded.

ANALYSIS AND CONCLUSION

India is one of the world's fastest growing telecom markets and it continues to be amongst the world's lowest telecom tariff destinations. These Regulations ensure that every telecom mobile service provider offers mobile number portability to all its subscribers both post paid and pre-paid on a non-discriminatory basis. However, the Regulations do not specify the pricing mechanism / charges which would be levied on the subscriber during the number portability. We believe that TRAI should shortly release the pricing guidelines on the same.

MNP can be regarded as a **win - win** situation for the telecom service providers along with mobile users as not only

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would it increase competition but would also ensure the best tariffs / services to end users. Further, with the introduction of mobile number portability service providers, MNP would also lead to the expansion of the service industry. Additionally, with the advent of 3G and BWA spectrum auctions, telecom service providers who are successful bidders would also reap the benefit of subscribers porting to their services.

– Huzefa Tavawalla & Vivek Kathpalia
You can direct your queries or comments to the authors

¹ Draft Regulations on Mobile Number Portability
² Telecommunication Mobile Number Portability Regulations, 2009

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