



Final Commission Assessment & Summary of Stakeholder Responses & Decision - Number Portability Consultation

DECISION NOTICE 2022-3

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1. Background and Purpose

The Telecommunications Commission (the “Commission”) was formed following the enactment of the Telecommunications Ordinance in 2004 which is now superseded by the Telecommunications Ordinance 2018 (the “Ordinance”), based on the Government’s liberalization agenda pursuant to its Telecommunications Policy published in 2003 (the “Policy”). All reference to the Ordinance is based on the 2018 version thereof.

Under Part II, section 4 of the Ordinance, the defined functions of the Commission include: -

- (d) to facilitate, maintain and promote effective and sustainable competition in telecommunications;*
- (e) to set standards for the quality of telecommunications services to be delivered to the public;*
- (f) to promote the interests of consumers and to encourage licensees to operate efficiently;*

Despite issuance of additional telephone operator licences and the subsequent establishment of competition, the inability for consumers to retain their number when moving to a new telecommunications provider is seen as a disincentive to switch providers and thus a constraint to progressing competition in the Turks and Caicos telecommunications market.

Regulation 14 of the Telecommunications Numbering Regulations 2005 (“Numbering Regulations”) outline the provisions and process the Commission should consider to assess the feasibility of introducing Number Portability (“Number Portability”) into the Turks and Caicos market.

The Commission consulted the Turks and Caicos market stakeholders in 2012 and 2016 on the proposed introduction of Number Portability into the Turks and Caicos telecommunications market but decided not to proceed since the Commission concluded that the regulatory priorities and market dynamics were not appropriate at the time.

The Commission have subsequently determined that strategic direction and operational/technology developments and consolidation between service providers across the Caribbean region have radically changed market competitive dynamics. The Commission believes that the Turks and Caicos telecommunications market could benefit from the introduction of Number Portability across both mobile and fixed sectors since the freedom provided to Turks and Caicos consumers to move their service to the service provider which best meets their needs could act as positive catalyst to change competitive dynamics and enhance value to Turks and Caicos consumers.

On the 08 December 2021, the Commission initiated the current consultation with interested parties on the technical feasibility and functional Number Portability features which are appropriate for the specific context of the Turks and Caicos telecommunications market with a view to proceed with the implementation and introduction of mobile and fixed Number Portability services into the Turks and Caicos telecommunications market.

The purpose of this consultation was to set out the broad parameters, functional requirements and proposed timeframe that the Commission believes could guide the

potential development, implementation and launch of the mobile and fixed Number Portability service into the Turks and Caicos telecommunications market.

1.1 Consultation Process

Pursuant to the Ordinance and Numbering Regulations, the Commission is initiating the present consultation process to assess the appropriateness and feasibility of introducing Number Portability into the Turks and Caicos market.

The Commission's proposal is to introduce Number Portability into the Turks and Caicos telecommunications market to enable consumers to retain their mobile or fixed telephone number when they change to a new service provider, (the "Proposal"), the details of which are set out in Chapter 4.

In line with the provisions of regulation 14 of the Numbering Regulations, this Consultation Document identifies the issues and aspects to assess the appropriateness and feasibility of introducing Number Portability into the Turks and Caicos market, as outlined below.

If the Commission intends to introduce Number Portability, it shall initiate a proceeding to consult with service providers and the public to determine the technical feasibility, timing, costs, and market impacts of introducing various options for Number Portability.

Any consultation initiated pursuant to subregulation (1) shall address, among others, the following issues:

- *the most appropriate technical and service arrangements for providing Number Portability by various types of service providers;*
- *the costs associated with introducing and maintaining Number Portability, and how such costs should be recovered;*
- *how quickly service providers can introduce both interim and permanent Number Portability;*
- *whether portability should be required between mobile and fixed services, or only between fixed-to-fixed and mobile-to-mobile services, and the technical and economic questions raised by these options;*
- *the anticipated market impact, in terms of competitive opportunity, customer choice, pricing, and other considerations, of various portability options;*
- *what adjustments, if any, should be made to the National Numbering Plan and/or to these Regulations to accommodate the requirements of Number Portability; and*
- *any other issues that the Commission or interested parties deem important to consider in devising a national policy and regulations on Number Portability.*

The Commission notes that it has engaged the services of consultants to assist it with the consultation process and the design and formulation of the Proposal.

The Consultation Process has been structured in two phases. In the first phase, Respondents were invited to submit Initial Responses to comment on this Consultation Document. In the second phase, Respondents were invited to submit Reply Responses to comment on the Initial Responses of other Respondents and the Commission’s subsequent assessment, in whole or part.

The Commission invited interested parties (“Respondents”) to provide their input and comments (the “Responses”) with respect to the issues raised in this Consultation Document, including the Proposal, the Commission’s assessment to initial stakeholder comments and/or any other issues of relevance to the introduction of Number Portability into the Turks and Caicos market.

The Commission received Second Responses to the Consultation Document from Digicel and Flow. The Commission has reviewed both responses from Digicel and Flow and this document provides a summary of each operator’s response along with the Commission’s corresponding conclusions and proposed next steps.

The Commission would like to thank both Digicel and Flow for their positive and comprehensive second responses.

In addition, the Commission received a submission from Andrew’s Communications Limited. The Commission noted that Andrew Communications Limited would be withholding its comments to the Consultation Document at this stage.

This document is issued to form the conclusion of the consultation process and consequently the Commission is issuing a decision outlining its assessment of the technical and market feasibility of the proposed Number Portability service as well as detailing the framework, functional requirements and timeframe for the implementation and operation of a potential Turks and Caicos fixed and mobile Number Portability service. In reaching its decision, the Commission has taken Respondents’ input and comments into account. The decision will direct the operators to amend their existing or new interconnection agreements and file same for approval with the Commission.

Event	Date
Commission issues Consultation Document	December 03, 2021
Initial Responses from Respondents	February 02, 2022
Commission Assessment of Responses	August 04, 2022
Reply Responses from Respondents	August 26, 2022
Commission Decision	October 20, 2022

2. Commission Assessment of Stakeholder Second Responses

Digicel

Digicel confirmed its support for the implementation of Number Portability in Turks & Caicos.

Digicel welcomed the Commission's cost benefit analysis presented in the previous phase of the consultation, but despite expressing reservations on the study's methodology and data, Digicel would not be challenging the Commission's conclusions.

Digicel insists that both fixed and mobile Number Portability services should be launched at the same time and disagrees with Flow's previous proposal to prioritise the launch of mobile Number Portability service. Digicel agrees with the Commission's preference for coordinated simultaneous launch of both fixed and mobile Number Portability in Turks & Caicos.

Digicel expressed concern about the Commission's suggestion that the implementation of Number Portability in Turks & Caicos could be completed within 18 months from the decision is made to proceed. From Digicel's experience in neighbouring markets, Digicel believes that a two year implementation period would be a minimum timeframe. Digicel appreciates the Commission's response to the initial stakeholder responses in this respect that the Commission will *"prioritise the review and discussion of the Number Portability implementation and launch timeframes through the initial deliberations of the LNumber PortabilityWG"*.

Flow

Flow confirmed its commitment to launch the Number Portability service across all islands across Turks & Caicos.

Flow's second response to the Commission's consultation did not refer the phasing of the fixed and mobile Number Portability services and thus the Commission concludes that Flow agrees with the Commission's preference for coordinated simultaneous launch of both fixed and mobile Number Portability in Turks & Caicos.

Flow's key concern in its second response was the difference in opinion on the Number Portability implementation timeframe with the period initially proposed by the Commission. Flow believes that a 24 month to 36 month implementation timeframe is more realistic, justified by budget, mobilisation and technical timelines.

Andrew Communications Limited

Andrew Communications Limited submitted an initial response to the Commission but declined to make any specific comment.

Commission Assessment of Second Stakeholder Submissions

The Commission appreciates the positive responses from Digicel and Flow. The Commission notes the positive support and commitment from Digicel and Flow to collaborate with the Commission to progress the introduction of both fixed and mobile Number Portability into the Turks and Caicos market.

Both Flow and Digicel concurred with the Commission's proposed Number Portability functional and service drivers.

The Commission notes that the only area of concern that both Digicel and Flow expressed was the Commission's initial Number Portability service implementation eighteen month timeline proposal. The Commission has noted the concerns and statements made by both Digicel and Flow. Consequently, the Commission has stated a compromise to agree a consensus implementation timeline by prioritising the review and discussion of the Number Portability implementation and launch timeframes through the initial deliberations of the Local Number Portability Working Group.

3. Commission 's Consultation Decision & Direction

The Commission concludes that the proposed introduction of the fixed and mobile Number Portability service into the Turks and Caicos market is broadly supported by both Digicel and Flow.

In compliance with the Commission's regulatory obligations, the cost benefit analysis undertaken by the Commission demonstrates that the estimated economic identified by introducing Number Portability significantly outweigh the estimated implementation and operating costs. Thus, the Commission concludes that the introduction of the Turks and Caicos Number Portability service is supported and justified on the basis of the net economic and competition benefits to the Turks and Caicos telecommunications sector.

The Commission notes the support to the Number Portability service and functional drivers and features proposed by the Commission, namely:

- **Service Porting Type – Fixed – Fixed/ Mobile – Mobile**
 - Number Portability will be restricted to service provider Number Portability, specifically porting between mobile to mobile and fixed to fixed numbers only. Hybrid fixed to mobile and mobile to fixed porting will not be available in Turks & Caicos. The porting of fixed numbers will only be permitted within the same local exchange and local call areas.
- **Recipient Led Porting Process**
 - The Number Portability process of moving a customer's number from one provider to another provider will be Recipient Led (the customer requests porting through the new Recipient operator) or Donor Led.
- **Centrally Managed Number Portability Service**
 - The Turks and Caicos Number Portability service will be managed and operated in Turks and Caicos through a centralised Number Portability system which will

track all Turks and Caicos numbers, manage the porting process between recipient and donor operators and provides some ancillary administration functionality.

- **Central Number Portability Service Contracting & Licencing Approach**
 - The successful provider of the Number Portability Clearinghouse may be licenced by the Turks and Caicos Telecommunications Commission to provide Number Portability services but will be required to contract directly with the licenced Turks and Caicos operators.
- **Central Number Portability System Location**
 - The Number Portability Clearinghouse service may be either operated from Turks and Caicos or hosted overseas.
- **ACQ Direct Routing**
 - All fixed and mobile traffic to be ported and non-ported numbers originated and terminated in the Turks and Caicos will be directly routed by the originating network to the terminating network using the All Call Query approach.
- **Operator Number Portability set-up & implementation costs**
 - Each operator and the successful provider of the Number Portability Clearinghouse will be responsible for their set-up costs to prepare for the implementation and launch of Number Portability in Turks and Caicos and that such set-up costs shall not be recoverable from consumers or other stakeholders.
- **Customer charging by Recipient Operators**
 - Recipient operators will be allowed to charge customers for porting their numbers at the discretion of each recipient operator. Consumer charging will be reasonable and the Commission reserves the right to set a maximum limit to consumer porting charges. Donor operators are not permitted to charge customers for porting out numbers from their network.
- **Recipient Operator charging by Donor Operators**
 - Donor operators shall be permitted to charge recipient operators for reasonable costs which are directly attributable to the actual efficient processing of porting requests. The Commission reserves the right to set a maximum limit to donor porting charges.
- **Number Portability Implementation programme managed by cross-stakeholder Number Portability Working Group**
 - The implementation and preparations for the launch of Number Portability in Turks and Caicos will be managed by a cross stakeholder working group reporting and making recommendations to the Commission, but the Commission shall be responsible for making key decisions and setting the key Number Portability process and functional details and implementation timeframes etc.
- **Introduction of Fixed and Mobile Number Portability**
 - Fixed and Mobile Number Portability will be implemented and launched at the same time.
- **Porting Timeframes – Mobile – 1 working day/ Fixed – 5 working days**

- Customer porting requests will be completed within; 1 working day for mobile Number Portability and 5 working days of fixed Number Portability, from the date of the customer’s validated and signed porting request.
- **Consumer data transfer during the porting process**
 - Data transfer during the porting process between the recipient and donor operators will be minimised to ensure efficient and robust consumer porting experience with minimal unnecessary porting failures or rejections. Porting data transfer will be restricted to MSISDN/ number being ported and donor operator. Porting process security and integrity will be provided by independent customer validation for each porting request, by either SMS (for mobile number porting requests) or Interactive Voice Response or PIN (for fixed number porting requests).
- **Porting process validation & cancellation**
 - Once a customer’s porting request has been authorised by the customer and validated by the Number Portability Clearinghouse and passed to the donor operator for approval, the porting request must proceed to completion unless legitimately rejected by the donor operator in compliance with the rejection reasons determined by the Commission. Once a validated porting request has been passed to the donor operator by the Number Portability Clearinghouse it cannot be amended or cancelled by any party.
- **Treatment of debt**
 - Post-paid consumers will be able to port their number if the total billed and unbilled account balance is less than the deposit held by their current operator, provided their service is not barred or suspended from making outbound calls at the time the consumer’s porting request is processed by the recipient operator. Debt cannot be used to prevent pre-paid consumers porting their number.
- **Winback prohibition**
 - Once the customer’s validated porting request has been passed to the donor operator by the Number Portability Clearinghouse, the donor operator will not be permitted to contact the customer during the period the porting request is being processed. Once the porting request has been successfully completed, for a period of 60 days, the donor operator will only be permitted to contact the customer for the sole purpose of recovering any outstanding payments or debts and will under no circumstances contact the customer during this period with purpose of soliciting the customer to return to the donor operator’s network.
- **Onward porting restriction**
 - Customers will not be permitted to port their number to another operator within 60 days of their previous successful porting request.
- **Real-time porting**
 - Only real-time porting of customer numbers will be allowed and customers will not be able to defer or delay porting requests to later dates.
- **Multiple number porting**
 - The porting process will allow the porting of multiple customer numbers within a single porting request (where “multiple number” is defined as two or more numbers belong to the same customer account), both contiguous and non-

contiguous number ranges, to support the efficient porting of multiple number block.

The Commission notes the concerns and comments made by Digicel and Flow regarding the likely Turks and Caicos Number Portability service implementation and launch timeframes. As previously stated by the Commission, the Commission is prepared to agree a consensus implementation timeline by prioritising the review and discussion of the Number Portability implementation and launch timeframes through the initial deliberations of the Local Number Portability Working Group.

Consultation Decision

The Commission's assessment and conclusions of the Turks and Caicos Number Portability consultation is to progress with the implementation and introduction of the fixed and mobile Number Portability into the Turks and Caicos market with immediate effect.

4. Turks and Caicos Number Portability Programme – Next Steps

Following the Commission decision to progress with the implementation and introduction of the fixed and mobile Number Portability into the Turks and Caicos market, the Commission will proceed with the following initial actions to initiate the formal Turks and Caicos cross-stakeholder Number Portability programme.

- Issue a directive to the Turks and Caicos licenced fixed and mobile operators to comply with the decision to progress the implementation of the Turks and Caicos Number Portability service;
- Request the Turks and Caicos licenced fixed and mobile operators to provide details of the delegates to participate in the Turks and Caicos Number Portability Working Group;
- Issue draft Turks and Caicos Number Portability Working Group Terms of Reference to the Turks and Caicos licenced fixed and mobile operators for review;
- Issue draft Turks and Caicos Local Number Portability Business Rules/ Operating Framework to the Turks and Caicos licenced fixed and mobile operators for review;
- Organise individual number portability readiness meetings with each of the Turks and Caicos licenced fixed and mobile operators; and
- Organise a workshop with the Turks and Caicos licenced fixed and mobile operators and other interested stakeholders to launch the Turks and Caicos Local Number Portability programme.