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PART II

**Statutory Notifications (S.R.O.)**

GOVERNMENT OF PAKISTAN

**PAKISTAN TELECOMMUNICATION AUTHORITY**

NOTIFICATIONS

*Islamabad, the 4th July, 2005*

MOBILE NUMBER PORTABILITY REGULATIONS, 2005

**S.R.O. 763(2005).?** In exercise of the powers conferred by Clause (o) of sub-section (2) of Section 5 of the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996), the Pakistan Telecommunication Authority is pleased to make the following regulations.-

**PART-I**

**PRELIMINARY**

1. **Short title and commencement.** — (1) These regulations shall be called the "Mobile Number Portability Regulations, 2005".

(2) They shall come into force at once.

(2253)

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2. **Definitions.**— In these regulations, unless there is anything repugnant in the subject or context, —

- (a) **“Act”** means the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996);
- (b) **“Agent”** means a retail sales agent authorized by Recipient Operator to accept requests from Subscribers for MNP and given direct access to Recipient Operator’s MNP Management Office;
- (c) **“Authority”** means Pakistan Telecommunication Authority;
- (d) **“Central Database”** means the database holding all relevant details regarding all mobile Subscriber number ranges for all Operators together with history of any Porting activity for any particular Subscriber number and is available for port inquiries, recording Porting request status, and for providing specific statistical information;
- (e) **“Donor Operator”** means an Operator providing service for a Subscriber's number before Porting;
- (f) **“Electronic Process”** means MNP Processes using computer applications to inquire, request and acknowledge and activate Porting processes;
- (g) **“Implementation Date”** means the date that full MNP services option shall become available to Subscribers;
- (h) **“Manual Process”** means MNP Processes which involve manual handling of actions replicating the Electronic Processes;
- (i) **“MNP Management Office”** means a department within an Operator’s organisation that is charged with responsibility of managing and co-ordinating MNP processes covering both ported in and ported out Subscribers;
- (j) **“MNP Processes”** means actions that shall be undertaken by all Operators to ensure that a Subscriber receives an effective, efficient and seamless service when Subscriber number is ported from Donor Operator to Recipient Operator;
- (k) **“Mobile Communication Service”** means a wireless-based telecommunication service where the terminal equipment may be

connected to telecommunication system by wireless means and used while in motion;

- (l) **"Mobile Number Portability or MNP"** means the ability to retain an existing Subscriber number along with Operator code while shifting connectivity from one Operator to another Operator;
- (m) **"Number"** means a dialing number allocated to a Subscriber alongwith prefix code of an Operator;
- (n) **"Operator"** means any entity holding a Mobile Cellular License authorized and issued by the Authority to provide Mobile Communication Service;
- (o) **"Porting"** means the process of switching from telecommunication system of one Operator to another, without changing Number;
- (p) **"Quarantine Period"** means withholding of a Number from further use for a period of time to be decided by an Operator but not less than 180 days, after a subscription has been terminated;
- (q) **"Range Holder"** means an Operator who was originally granted a specific number range;
- (r) **"Recipient Operator"** means an Operator providing service for a Subscriber's number after Porting;
- (s) **"Regulations"** means these and other regulations issued by the Authority from time to time; and
- (t) **"Subscriber"** means any person that enters into a Contract or Subscription with an Operator for acquiring Mobile Communication Service.

## PART- II

### GENERAL

3. **Eligibility Criteria for Mobile Number Portability.**— (1) All Operators shall make available MNP to their Subscribers as per these Regulations.

(2) All Operators shall perform Porting process of Subscribers who have requested Porting subject to following:

- (a) there is no financial or other contractual liability on Subscriber, relating to a Contract or Subscription unless otherwise agreed between the Donor and Recipient Operators;
- (b) complete information required by Recipient Operator has been provided by the Subscriber;
- (c) there is no justifiable technical reason, which prevents Porting;
- (d) the Subscriber has submitted a written application on prescribed Form in duplicate to Recipient Operator or its Agent for availing of Mobile Number Portability; and
- (e) recipient operator has intimated Donor Operator of the aforesaid application submitted by the Subscriber *via* the MNP process, which shall also be considered as termination notice by the Subscriber to the Donor Operator:

Provided that subject to these regulations if the Donor Operator/ Range holder refuses or does not allow its subscriber to port without any valid reason, the number requested to be ported shall be considered withdrawn from the said Donor Operator/ Range holder from the date and time the Donor Operator refuses or does not allow the Porting and said number shall be ported in accordance with these regulations without any compensation to Donor Operator/ Range holder.

(3) The Recipient Operator shall after receiving the written application initiate MNP Processes to deal with request to port.

(4) Recipient Operator shall use Electronic Process, unless valid technical reasons preclude that then Manual Process need to be used, to ensure effective and efficient operation of Porting process.

4. **General conditions.**—(1) The conditions laid down in sub-regulation (2), (3) and (4) of regulation 3 shall be taken into account by Operators with relation to MNP and shall form basis of implementation of MNP in connection with a Subscriber's requirement to port from one Operator to another Operator.

(2) Following shall be adhered to by Operators to ensure smooth implementation of MNP for Subscribers to ensure a well-functioning number portability environment:

- (a) Donor Operator shall not prevent a Porting from being completed that has already commenced, by using rejection codes; and

- (b) legally binding agreements between Operator and Subscriber shall be respected and followed in letter and spirit;

Provided that under no circumstances shall a Donor Operator be obliged to carry or handover calls made to ported Subscribers by or from third party networks to Recipient Operator's network unless mutually agreed.

5. **General Information.**—(1) All operational procedures and interfaces between Operators shall be decided at commercially agreed upon terms and in case of disagreement, by the Authority.

(2) Numbers that can be ported include, without exception, all numbers for which a written agreement exists between a Subscriber and an Operator.

(3) All subsequent portability shall be handled in the same manner as the first time. The current Operator shall become Donor Operator and new Operator becomes Recipient Operator.

(4) If a Subscriber wants to return to any previous Operator, the order shall be handled like a standard Porting request. There shall be no difference even if the Recipient Operator was the original Number Range holder.

(5) If, for any reason, a Subscriber wants to end his relationship with his current Operator, the current Operator shall handle this as a termination in its telecommunication system and shall reset the status of the number as Quarantine Period.

(6) Subject to the Regulations, at the expiration of Quarantine Period the Number shall revert to the original Range Holder for recycling purpose.

### PART- III

## RIGHTS AND OBLIGATIONS

6. **Rights and obligations of Subscriber.**—A Subscriber desirous of getting his number ported, subject to discharging his contractual obligations with Donor or Recipient Operator shall have the right to:

- (a) use a Number issued in his name on any cellular mobile network licensed in Pakistan;

- (b) ask Donor Operator through a designated Recipient Operator to port its active Number to telecommunication system of Recipient Operator;
- (c) choose services and payment package with Recipient Operator before or after Porting, which are being provided by Recipient Operator to its subscribers;
- (d) provision of caller line identification or any other supplementary service without interruption after Porting as was being provided to him by Donor Operator, subject to right of anonymity of the caller; and
- (e) get Mobile Communication Services from Recipient Operator on non-discriminatory basis as are being provided by Recipient Operator to its subscribers.

7. **Operators Obligations.**—Following shall be the obligations of all Operators:

- (a) to ensure that only one Porting request may be lodged at any one time;

Provided that any attempt to submit further requests for same number to same or another Recipient Operator shall be lodged and all subsequent requests, pending first request, shall be rejected under intimation to Subscriber with reasons of rejection.

- (b) in case there is any unavoidable delay, including delay caused by a bulk Porting request, in Porting process, the concerned Operator shall immediately inform other Operator of nature of delay and expected execution time;
- (c) all Porting requests shall be processed in order of receipt;
- (d) the 'No service' period, when the service is being disconnected from a Donor Operator and activated with a Recipient Operator shall not exceed a period to be mutually agreed by all Operators, however this period shall not exceed one working day;

Provided that Donor Operator shall log time of such disconnection and Recipient Operator shall log time of activation and this log data shall be made available by both operators to the Authority;

- (e) after activation Recipient Operator shall complete MNP Process by lodging a MNP completion message in the Central Database which would activate modification of Subscriber number routing details immediately;
- (f) both Donor Operator and Recipient Operator are bound to perform deactivation and activation with minimum inconvenience to the Subscriber; and
- (g) a number that is not-in-service may be reactivated on payment of reactivation charges for same Subscriber only within the Quarantine Period.

8. **Obligations of Donor Operator.**—(1) A Donor Operator shall only accept Number Portability for Subscribers, whose contract does not have a restrictive covenant and has cleared all his dues.

(2) Once a Subscriber has applied for Porting, the Donor Operator before Porting out the Subscriber shall not restrict or cease current quality and level of service to the Subscriber during MNP completion process.

(3) For the purpose of completing Porting process, the following shall be the methods of communication between Recipient Operator and Donor Operator:

- (a) Electronic Means— in the first instance communication between Recipient Operator and Donor Operator shall be *via* agreed Electronic Means; and
- (b) Manual Means— should it not be possible to use Electronic Means for whatever reason, the Manual Process may be used.

(4) Both Donor and Recipient Operator may co-ordinate with each other and the Subscriber to fix and, if necessary, to change Porting date and time.

(5) If the applicant is not a registered Subscriber or legitimate user of the number, the Recipient Operator and the Donor Operator shall not accept a written application for Porting. If the Porting process has been completed, in such case inadvertently, it shall be reversed immediately on acquisition of knowledge.

(6) Donor Operator shall provide detail of Subscriber for provision of Mobile Number Portability to Recipient Operator during Porting process, if requested.

9. **Rights of Donor Operator.**— (1) Donor Operator may refuse a Subscriber Mobile Number Portability for following reasons:

- (a) contracted services of the Subscriber have been terminated due to arrears or violations of laws, regulations, code of practices or service contracts or any other valid reason existed prior to the Porting request;
- (b) subscriber has not cleared his current outstanding dues unless amount charged is in dispute; and
- (c) subscriber has voluntarily signed a Contract with Donor Operator for a certain period of time, which has not elapsed.

(2) The Donor Operator has right, but not the obligation, to contact the Subscriber to solve any outstanding issues regarding numbers being ported but may not use this period to convince or entice the Subscriber to remain with the Donor.

(3) Donor Operator may withhold Porting request till the Subscriber discharges all his current financial obligations and clears all known dues till the time of Porting.

10. **Obligations of Recipient Operator.**— (1) The Recipient Operator shall keep and maintain record of application forms as referred to in sub-regulation (2) of Regulation 3 for at least six months, for inquiry by concerned Donor Operator or examination by the Authority.

(2) The Recipient Operator shall co-ordinate with Ported Subscriber to arrange for reasonable date and time of proposed Porting of his number.

(3) The Recipient Operator shall inform Donor Operator by electronic means and to Central Database of requesting Subscriber's name, existing number and date and time of proposed Porting of his number at least seventy two (72) hours in advance of proposed Porting date and time, and ensure that a signed copy of the application form has been sent to the Donor Operator in advance;

Provided that the non-receipt of signed copy is no ground to prevent the Porting from taking place.

(4) If any difficulty is encountered in the Porting process, Recipient Operator shall co-ordinate with the Donor Operator to resolve the problems and keep the Subscriber informed:



Provided that prior to successful completion of the Porting process, Donor Operator shall maintain original telecommunications services for Subscribers thereof until the scheduled 'cease of service' has been completed.

(5) Recipient Operator and Donor Operator shall, with no permission to postpone or advance the process, undertake to port the requesting Subscribers according to agreed date and time.

(6) If a Porting is cancelled by Subscriber at any time before completion of the process, Recipient or Donor Operator shall inform the other Operator accordingly.

(7) Recipient Operator shall ensure that Porting order is executed at the agreed execution date and time;

Provided that Donor Operator has the right to disconnect the service to the Subscriber after the agreed execution date and time, if Recipient Operator has not communicated the former, the reasons regarding any delay in execution date and time of the Porting process.

(8) Recipient Operator cannot charge the Subscriber till the time his Number is ported and activated on his Telecommunication system.

(9) Recipient Operator shall not prepare or offer any special package or services to Porting Subscriber meant only for Ported Subscribers.

11. **Rights of the Recipient Operator.**—(1) Recipient Operator may seek necessary information for the Subscriber from Donor Operator before or after Porting.

(2) The Recipient Operator may verify the Subscriber relationship, against number with Donor Operator, to prevent fraud.

#### **PART-IV**

##### **RELATIONSHIP BETWEEN OPERATORS**

12. **Interconnect Agreement.**—All Operators shall include MNP clauses in their revised or new interconnect agreements and shall comply with all reasonable requests for establishment of modification of interconnect agreements in order to implement MNP which include:

- (a) exchanging Porting request related to mobile number portability for a specific Subscriber;

- (b) use of Central Database; and
- (c) annual fee, fixed by the Authority from time to time, for an active or in-active number shall be paid by the Operator from whom the Subscriber is receiving service for relevant time and not original range holder for the said number.

13. **Submission of Information.**—(1) All Operators shall compile and submit information regarding ported Subscribers to or from its network to the Authority on quarterly basis, which shall include:

- (a) failure rate of Porting process;
- (b) average duration of Porting process; and
- (c) additional call setup delay time on average calculated by calling ported Subscribers.

(2) All Operators as well as PTCL, NTC, SCO, and other FLL/WLL/LDI service providers shall upgrade their network in terms of hardware and software to support MNP as per the ITU-T recommendations and other standardization bureaus to provide all telecommunication services to ported subscribers.

14. **All Operators.**—(1) All Operators shall negotiate and shall develop certain methodology in terms of network codes for authorization for access to Central Database and Subscriber number routing information prior to implementation time schedule for MNP.

(2) All Operators shall negotiate with each other to develop and maintain a technically viable Central Database on mutually agreed terms.

15. **Administration of Central Database.**—(1) All Operators shall establish a Central Database to implement Mobile Number Portability in accordance with these regulations.

(2) Operators shall bear the full financial accountability for the creation and ongoing operation of Central Database and ensure that good governance prevails;

Provided that a joint council may be constituted by the Operators to carry out the tasks under these Regulations;

Provided further that a supervisory body which has already agreed to by, the Operators may be treated as joint council for the purpose of these Regulations.

## PART- VI

### DUTIES AND RESPONSIBILITIES OF THE OPERATORS

16. **Obligations of Operators.**—In order to have a transparent and non-discriminatory environment for ported numbers the following criteria shall be taken into account. All Operators shall:

- (a) be responsible for administration of ported numbers and maintain an updated database in their respective systems;
- (b) provide updated information to Central Database for all numbers on their respective networks; and
- (c) co-operate with each other in terms of exchange of necessary information regarding their Subscribers who avail Mobile Number Portability services.

17. **Inspection.**— All Operators shall allow official inspection of any premises by an authorized representative of the Authority at any time and shall furnish to the representative such information as may be required by him or the Authority.

18. **Usage Records.**—Operators shall maintain usage records including where available, called and calling numbers, date, duration, time and called number cell, with regards to usage made on its central databases for a rolling twelve months for scrutiny by or as directed by the Authority or required by any law enforcement or intelligence agency.

19. **Complaints System.**—(1) The Operators shall establish an efficient and easy-to-use system to promptly receive, process and respond to complaints, claims or suggestions by Operators or their customers.

(2) The Operators shall make all reasonable efforts to resolve complaints or disputes without delay and without recourse to the Authority.

(3) If a complaint is filed with the Authority in connection with any dispute among the Operators regarding any matter which is the subject of this Regulation, the Authority may settle the dispute in accordance with the procedure laid down in the Interconnection Dispute Resolution Regulations, 2004.

(4) Without prejudice to the right of appeal and revision established in Section 7 of the Act, the decision of the Authority shall be binding on the Operators with regard to any dispute arising among Operators regarding MNP Process.

20. **Code of Practice.**—(1) The Operators shall, prior to the Implementation Date of MNP, publish a code of practices approved by the Authority.

(2) The code of practice shall include, at a minimum, provisions covering the following:

- (a) protection of privacy of information ;
- (b) maintenance of confidentiality of Subscribers' information, save as required by the provisions under Section 54 of the Act; and
- (c) commitment by the Operators in respect of standard and quality of services.

21. **Privacy of data.**—(1) The Operators shall not monitor or disclose the contents of any usage transaction contained within Central Databases under its control except to the extent necessary for the purpose of maintaining or repairing any part of the Central Database or except as required by the Act, the Rules and Regulations.

(2) The Operators shall take all reasonable measures to safeguard the databases from unauthorized interception or unauthorized access.

22. **Statistics.**—(1) The Central Database shall be capable to generate specific sets of statistics, and make them available to Operators so that they may be able to make:

- (a) financial clearing towards Donor in connection with Porting of numbers; and
- (b) financial clearing towards range holder of fees in connection with Porting of numbers.

(2) The system shall keep account of number of attempted Porting, number of successful Porting, and number of failed Porting including cause of failure.

(3) Operators may use the statistics to generate their own financial data related to apportionment of monthly usage fees to the Operators.

23. **Charges .**—(1) Donor Operator shall collect costs, as determined by the Operators upon mutually agreed terms, incurred on number Porting

process from Recipient Operator upon successful completion of a ported number.

(2) All Operators shall coordinate and contribute for implementation of MNP on mutually agreed terms and conditions either through direct funding or by agreeing that they may charge for certain types of database access.

(3) All Operators shall provide mobile telecommunication services for ported and non-porting Subscribers on non-discriminatory basis.

24. **Use of Central Database.**—The use of Central Database shall:

- (a) impose a common set of procedures and timeframes, for each and every Operator to enable MNP between any two Operators;
- (b) enable any and all authorised national and international telecommunications Operators to obtain the appropriate routing details for any mobile Subscriber numbers to complete a dialed call on correct network without in any manner engaging the network of the Donor Operator unless mutually agreed upon terms;
- (c) be a central repository for all released Subscriber numbers, with the primary purpose being the management of Subscriber numbers which are in the process of being ported or have been ported; and
- (d) non-porting or porting numbers which, through appropriate business processes, have their status set to 'ceased' or 'blocked' or 'not in service' remain in 'Quarantine Period' before being eventually 'returned' to the original number range holder Operator for recycling.

25. **Implementation Date.**—(1) All Operators shall commence providing MNP services to their Subscribers by the Implementation Date as determined by the Authority.

(2) Subject to sub-regulation (1) any Subscriber may request provision of MNP at any time from the Implementation Date.

(3) The Implementation Date shall be advertised nationally under the auspices of the Operator and in conjunction with the Authority.

26. **Powers of Authority.**—(1) The Authority shall supervise the process of Mobile Number Portability and may issue guidelines on technical, management and operational matters from time to time, which shall be followed by the Operators.

(2) The Authority shall approve a simple, one time and cost-based Porting tariff.

(3) The Authority shall ensure that all Operators provide MNP to their pre-paid and post-paid Subscribers on non-discriminatory basis.