

## **Changes to the number portability functional specification to meet the new regime**

A Statement issued by the Director General of  
Telecommunications

22 July 2003

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## The Number Portability Functional Specification

A Statement issued by the Director General of Telecommunications following a consultation on proposals to revise the Functional Specification to meet the new regulatory regime.

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## Summary

S.1 The document at Annex B to this Statement is the Number Portability Functional Specification (the “Functional Specification”) published today, 22 July 2003, to accompany General Condition 18 (“Number Portability”) of the General Conditions of Entitlement. These General Conditions are set by the Director General of Telecommunications (the “Director”) by way of publication of a Notification pursuant to section 48(1) of the Communications Act 2003 (the “Act”) on 22 July 2003 and contained in the Schedule to that Notification. The Functional Specification is revised as part of the new regulatory framework following implementation of the new EU Directives.

S.2 The version of the Functional Specification in Annex B is that which will apply now that the Act has received Royal Assent on 17 July 2003 and that the above-mentioned Notification has been published. As a consequence, the Director’s Statement of 9 July 2003 concerning the publication of a Functional Specification as part of an interim Statutory Instrument package should be discarded. As was the case previously, the Functional Specification specifies the technical and other principles which are intended to enable the efficient implementation and utilisation of Portability.

S.3 This Statement follows on from the consultation document entitled “Changes to the number portability functional specification to meet the new regulatory regime” published on 19 March 2003. In chapter 2 of this Statement, the Director summarises and comments on the responses he received to his proposed changes.

S.4 No significant changes to portability policy are implemented by way of today’s publication of Issue No 5 of the Functional Specification, but substantive changes are made to the text and terminology.

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# Chapter 1

## Introduction

### The Functional Specification

1.1 The document at Annex B to this Statement is the Number Portability Functional Specification (the "Functional Specification"), published today, 22 July 2003, to accompany General Condition 18 ("Number Portability") of the General Conditions of Entitlement. These General Conditions are set by the Director General of Telecommunications (the "Director") by way of publication of a Notification pursuant to section 48(1) of the Communications Act 2003 (the "Act") on 22 July 2003 and contained in the Schedule to that Notification. The Functional Specification is revised as part of the new regulatory framework following implementation of the new EU Directives.

1.2 In publishing the Functional Specification today, the Director is satisfied that it meets the tests set out in section 60(2) of the Act. The Functional Specification is objectively justifiable, in that it is required to enable the efficient implementation and utilisation of Portability as it has done since its first issue in 1996. It is not unduly discriminatory, in that although it only affects those Communications Providers as set out in paragraphs 18.2 and 18.3 of General Condition 18, that is justified since the rules of the Functional Specification are only likely to affect those providers engaged in the provision of Portability. It is proportionate in that the Functional Specification applies only to those Communications Providers connected with the provision of Portability and is limited to those rules necessary to enable the efficient implementation and utilisation of Portability between Communications Providers. It is transparent in that the changes to the rules of the Functional Specification to meet the new regime have been consulted on and the reasons for the rules themselves have been subject to review and consultation on several occasions since its first Issue in 1996.

1.3 Also in publishing the Functional Specification, the Director has considered his duties as set out in section 4 of the Act, in particular:

- (i) the first Community requirement to promote competition in relation to the provision of electronic communications networks and electronic communications services;
- (ii) the fifth Community requirement to encourage the provision of network access and service interoperability; and
- (iii) the sixth Community requirement to encourage such compliance with certain European (eg ETSI) and international (eg ITU) standards as is necessary for (a) facilitating service interoperability, and (b) securing freedom of choice for the customers of communications providers.

1.4 This Statement follows on from the consultation document entitled "Changes to the number portability functional specification to meet the new regulatory regime" of

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19 March 2003. General Condition 18 (reproduced for information at Annex C) requires, in the circumstances set out in the Condition, Communications Providers to provide Portability *inter alia* in accordance with the Functional Specification. The Functional Specification means a document, which specifies technical and other principles which are intended to enable the efficient implementation and utilisation of Portability, published from time to time by the Director in accordance with section 60 of the Act.

1.5 For the avoidance of any doubt, the version of the Functional Specification in Annex B is that which will apply now that the Act has received Royal Assent on 17 July 2003 and that the above-mentioned Notification has been published. As a consequence, the Director's Statement of 9 July 2003 concerning the publication of a Functional Specification as part of an interim Statutory Instrument package should be discarded. Relevant provisions of the Act will come into force on 25 July 2003, pursuant to the Communications Act 2003 (Commencement No.1) Order 2003 (the "Commencement Order"). However, the Director is able to publish the Functional Specification today in view of section 13 of the Interpretation Act 1978. That section permits the anticipatory exercise of powers under an Act after its passing but prior to its entry into force as may be necessary or expedient for the purpose of giving full effect to the Act or any provision of the Act at or after the time when it comes into force. In addition, the Director is able to exercise powers under the Act pursuant to section 408 of the Act and Article 3(1) of the Commencement Order, until Ofcom assumes those powers at a later date.

1.6 Further information about the background to the General Conditions, the new regulatory regime in general and the Functional Specification can be found in the consultation document.

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## Chapter 2

### Summary of responses and the Director's comments

#### General

##### *Respondent comment*

2.1 Orange plc expressed concern that current airtime service providers are not aware of their new obligations as detailed in the draft General Condition entitled Number Portability and cites its complaints to Oftel about service providers refusing to issue porting authorisation codes. Orange would like to see the obligation to 'provide number portability as soon as is reasonably practicable on reasonable terms' restated within the Functional Specification making clear that this includes service providers.

##### *Director's comments*

2.2 The Director maintains that Oftel has undertaken a number of initiatives to communicate how the new regime will impact on service providers. This includes the publication of an introductory guide to service providers and two versions of frequently asked questions. Moreover, Oftel is aware that the trade body FCS has been an active participant in its stakeholder meetings on the implementation of the new EU Directives and has sought to communicate these important changes to its members including mobile airtime service providers.

2.3 Turning to the suggestion made by Orange, the Director notes that the new version of the Functional Specification already sets out, under the heading "Scope of Portability", that General Condition 18 ("Number Portability") imposes obligations on all Communications Providers and defines who such providers are. In his consultation document which preceded this Statement, the Director made the point in paragraphs 3.4 and again in paragraph 3.22 that service providers fall within the definition of Communications Provider insofar as they provide an Electronic Communications Service. Given that the Functional Specification is specific to the provision of Portability (but not Number Portability), the Director considers his introductory remarks to be appropriate and should not be amended as Orange suggests.

2.4 The Director acknowledges that Orange has complained about the refusal of some service providers to issue porting authorisation codes. However, since the new regime takes effect from 25 July 2003, Orange's complaints are unrelated to the new obligations. At the time the complaints were made, mobile airtime service providers were not obliged to provide mobile number portability. Rather licensed mobile operators were obliged to ensure that such providers made number portability available to subscribers.

2.5 Given the above, and the reiteration of this point in this Statement, the Director considers he has made all reasonable efforts to make clear to all relevant parties

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what their number portability obligations are. In this context, it is appropriate to make a noteworthy remark. Namely, whatever guidance given, or statements made, by Oftel about rights or obligations under the regulatory framework, it should not be taken as a substitute for parties' need to take their own respective independent professional legal advice as appropriate in the circumstances of each particular case.

***Respondent comment***

2.6 BT suggests that the presentation of the document, particularly the numbering of the rules, is very confusing.

***Director's comments***

2.7 The Director does not accept BT's view and notes that no other party has commented that the presentation of the rules is confusing. The rules of the Functional Specification are broken down into four clearly marked sections.

**Purpose**

***Respondent comment***

2.8 BT suggests that the first time it is referred to, the "Number Portability Functional Specification" is set out in full to distinguish it from other functional specifications eg Carrier Pre-Selection.

***Director's comments***

2.9 The Director considers that there is no ambiguity as to which functional specification is being referred to in this document.

***Respondent comment***

2.10 BT believes that it would be more accurate to refer to obligations being imposed on Providers of Publicly Available Telephone Service rather than on "Donor Providers". BT adds that the rules in the Functional Specification clearly refer to Providers other than Donor Providers.

***Director's comments***

2.11 The second paragraph of the section entitled "Purpose of this document" clearly explains that the obligation to provide Portability in accordance with the rules of the Functional Specification also apply to Recipient and Transit Providers. This was further clarified by the inclusion for reference, at Annex 2 of the consultation document, of the draft Condition of Entitlement in which the obligation on Recipient and Transit Providers to provide Portability in accordance with the Functional Specification is set out.

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## Scope

### *Respondent comment*

2.12 BT notes that this section states that “This paragraph does not apply to the porting of numbers between networks providing services at a fixed location and mobile networks”. BT seeks confirmation that this is intended to mean that such Portability is not permitted.

### *Director’s comments*

2.13 This is clearly a quote from Article 30(1) of the Universal Services Directive. The UK implementation of this requirement on Member States is set out in the General Condition 18 (“Number Portability”), as the same paragraph explains, which has already been the subject of separate consultations.

## Definitions

### *Respondent comment*

2.14 “Donor Provider” – BT believes that this should refer to a “range holder” rather than a “Communications Provider”. BT suggests that this works for both normal Portability and Subsequent Portability. In this definition and that of “Recipient Provider” the word passed is used. BT says it is not clear what this is intended to mean. As such, BT suggests, it should probably be removed.

### *Director’s comments*

2.15 The Director does not agree that Communications Provider needs to be replaced with “range holder”. The definition of Subsequent Portability makes clear that the Donor Provider is the ‘range holder’ and not the first Recipient Provider, ie the Donor Provider retrieves a number from the Recipient Provider and ports it to a second Recipient Provider. The Director also notes that this position is further reinforced in Common Rule 5.

2.16 The Director considers that the word “passed” in the definitions is perfectly clear. Moreover, he notes that the definitions of “Donor Provider” and “Recipient Provider” are taken from the General Condition which was subject to separate consultation. BT did not make any comment about these definitions in either of the consultations regarding the General Conditions. The Director has no intention of having two versions of these definitions and is surprised that BT proposes this.

2.17 BT raised a number of queries and proposed changes to several definitions that are the same as those in the General Conditions. As set out above, these definitions have been subject to two rounds of public consultation. The Director does not consider it desirable or necessary to adopt different definitions in the Functional Specification. Similarly, Vodafone raised several points in its response about the

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draft General Condition which was attached, **for information**, as an annex to the consultation on the Functional Specification.

***Respondent comment***

2.18 “Geographic Mobility” – BT suggests inserting the word “street” or “postal” before the word “address” and proposes the same in the definitions of “Simultaneous Geographic Mobility” and “Subsequent Geographic Mobility”.

***Director’s comments***

2.19 The Director considers this further clarification to be unnecessary given the context in which the term “address” is used. It is evident that this is the place where a person lives or an organisation is situated.

***Respondent comment***

2.20 “Service Area” – to ensure that this remains clear, BT urges the addition of the following clause at the end of this definition, “that is, within the serving exchange area of the Donor Provider”. BT considers that such a clause should also be added at the end of the definition of “Simultaneous Geographic Mobility” and “Subsequent Geographic Mobility”. BT is concerned that such an omission might indicate Oftel seeking to dilute the mobility rules by stealth when this matter is subject to further consultation.

***Director’s comments***

2.21 The Director strongly refutes BT’s allegation that his office is seeking to make changes to any part of the Functional Specification for reasons other than those set out clearly in the consultation document. The proposed change has nothing to do with any future policy on geographic mobility which, as the Director has made very clear, will be subject to further consultation.

2.22 The definition seeks to describe the area in which any Communications Provider, not just BT, might ordinarily provide Geographic Mobility to its subscribers with geographic numbers. In this respect, the Director’s proposed definition is almost identical to the current definition. The only difference, in the context of BT’s response, is that he has proposed the removal of the final clarifying (‘for the avoidance of doubt’) sentence. The reasons for this were twofold and entirely in accordance with the Director’s aim, as set out in the consultation. The current sentence used terminology which is no longer appropriate to the new regime, ie Geographic Number Ranges and Specified Numbering Scheme. Revising this sentence might also have led to a repetition of restrictions on the adoption of geographic numbers set out in the National Telephone Numbering Plan, ie a Service Area not being any larger than by reference to an area code. For these reasons, the Director proposed its removal.

2.23 Notwithstanding that the Director is not clear as to what meaning BT gives to its proposed term “serving exchange area” (such a term is not proposed in the National Telephone Numbering Plan or elsewhere), the Director notes that it is BT’s proposed

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amendment, not his, which would be substantially different from the current definition by being potentially far more restrictive.

***Respondent comment***

2.24 BT comments that in the definitions of “Simultaneous Geographic Mobility” and “Subsequent Geographic Mobility” – the words “and Donor” should be inserted between “Recipient” and “Provider”.

***Director’s comments***

2.25 The Director does not understand why BT makes this suggested amendment. The definitions describe a service offered by the Recipient Provider to its imported customer. Nor does the Director understand why BT appears to suggest that a Donor Provider can provide such a mobility service to a customer who has, or is in the process of, porting to the Recipient Provider.

**Interpretation**

***Respondent comment***

2.26 BT suggested it would be helpful if there was a statement to confirm which definitions have primacy in the event of a conflict. BT would suggest something along the lines of “These definitions are for information only and, where different, those within legislation should be taken as definitive”. BT also queried why a number of terms are shown as capitalised but do not appear in the definitions section of the Functional Specification.

***Director’s comments***

2.27 The Director set out, in a new section entitled “Interpretation”, the primacy of the meanings ascribed to words or expressions used in the Functional Specification. However, he has revised this section in order to further clarify this.

2.28 As BT notes, not all the capitalised words or expressions which appear as capitalised in the Functional Specification are included in the definitions section. Where the meaning is not set out under ‘Definitions’, the ‘Interpretation’ section identifies the reference to the definition.

**Section 1, Donor Provider’s Rules**

***Respondent comment***

2.29 BT comments that in Donor Provider Rule 1 – the end should read “...by means of an agreed Transit Provider”.

***Director’s comment***

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2.30 The Director considers inserting “agreed” to be unnecessary. Transit Provider, by definition, is a Communications Provider who provides interconnection by agreement.

***Respondent comment***

2.31 BT comments that in Rule 3, it is not clear why this rule would only apply to Geographic Numbers. BT points out that the current issue of the Functional Specification, it correctly refers to “Parallel Running of any groups of numbers”.

***Director’s comments***

2.32 The Director notes BT’s comments and has amended Rule 3 to apply to the Parallel Running of any Telephone Numbers to the extent this is permitted by the National Telephone Numbering Plan.

***Respondent comment***

2.33 BT suggests that it would make more sense if Rules 4 and 5 were reversed, though in saying that, Rule 5 seems superfluous, as this subject is covered in the National Telephone Numbering Plan. BT proposes that the term “Number Portability Code” should replace descriptions relating to codes/prefixes starting 5xx etc.

***Director’s comments***

2.34 The Director generally accepts BT’s suggestion. Descriptions of portability prefix codes used in the Functional Specification have been replaced with the relevant defined terms adopted in the National Telephone Numbering Plan.

***Respondent comment***

2.35 With regard to Rules 4 to 7, BT suggests that it would be easier for readers if the fact that these did not apply to Mobile Portability was flagged alongside the title of the rule/rule number, for ease of reference. BT’s same presentational suggestion applies to all other Rules.

***Director’s comments***

2.36 The Director has explained in the section entitled ‘Interpretation’ that headings and titles should be disregarded for the purposes of interpretation. He considers that the single sentence at the end of each of the rules provides sufficient clarity. In that way, the said sentence also forms an integral part of the rule itself.

***Respondent comment***

2.37 Vodafone commented that Donor Provider Rule 7 refers to the 'x' digit after +44799 which identifies the recipient provider’s network. It suggests that it has not seen any Ofcom document defining these codes. The original service description written by PNO-ISC defined codes for the original four operators only. Vodafone

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suggests that it might be appropriate if the Functional Specification attributes control of these codes to the Oftel numbering unit.

***Director's comments***

2.38 The codes 799X are defined as Mobile Number Portability Codes in the National Telephone Numbering Plan. The Director has replaced references to 799X in the Functional Specification with the term Mobile Number Portability Code as defined in the National Telephone Numbering Plan.

***Respondent comment***

2.39 Vodafone notes that the same rule also mentions an 'SCCP re-routing code'. Vodafone thinks that it would be more accurate to identify this as an 'SCCP called party address'. The same comment applies to Transit Provider Rule 2.

***Director's response***

2.40 The Director agrees with Vodafone and has adopted its proposal.

**Section 3, Transit Provider's Rules**

***Respondent comment***

2.41 BT suggests that Transit Provider Rule 1 would be better amended, in order to reflect the need to agree proper routings, to read as follows:

“Rule 1 (This Rule does not apply to Mobile Number Portability.)

A Transit Provider shall, when a call is received over an agreed Point of Connection from a Donor Provider with an appropriate Number Portability Code inserted before the full national Ported Number, deliver the call to an agreed Point of Connection of the Recipient Provider with the Number Portability Code intact. “

***Director's comments***

2.42 The Director does not accept that there is a need to include the term “agreed” in this Rule as this repeats Section 1, Donor Provider's Rules, Rule 1 and the definition of Transit Provider.

**Section 4, Common Rules**

***Respondent comment***

2.43 BT suggests amending and simplifying Common Rule 2, and in effect combining it with Rule 1. It suggests that it be changed to show that number blocks can be transferred between companies generally when the recipient company serves

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all the customers with numbers in use on a given block, with a minimum of 50% of the numbers in use, or a lower percentage by agreement, and applies to take the block on. BT claims that it is difficult to envisage a situation, particularly in the context of geographic numbers, where the minority of customers remaining with a potential donor operator would not be deprived of, or be deprived of the opportunity of, services which cannot be provided if the block ownership is transferred, and their numbers were de facto ported back. BT also believes that it should be made clear that the charges for this would be on a commercial rather than regulated basis.

***Director's comments***

2.44 The Director notes BT's comments about Common Rule 2 and may bear its views in mind in any future revisions to the Functional Specification. However, as he made clear in his consultation document, the purpose of this current revision was to bring the Functional Specification into line with the new regulatory framework rather than to make substantive rule changes.

***Respondent comment***

2.45 BT suggest that, if Oftel were to conclude that it would be permissible to allow a block transfer when the porting customer is not the only customer on a block, a more significant factor in assessing the merits of a block transfer should be the percentage of traffic rather than percentage of numbers.

***Director's comments***

2.46 The Director notes BT's comment but, as indicated above, does not propose any changes to this rule at this time aside from necessary amendments as explained in the consultation.

***Respondent comment***

2.47 BT is concerned that the proposed Functional Specification no longer refers out to the so-called industry process manuals. BT believes that the absence of such a reference reduces its standing, potentially opening the way for some less scrupulous companies to largely ignore it. This would not be beneficial to the industry in general, and certainly would not be in the interests of consumers, as many agreements are enshrined in it, for example time scales for the transactions. To be enforceable, it seems that there needs to be at least a reference from the Functional Specification. Whilst BT regrets the removal of Rule 11 for the reasons Oftel gives, BT urges that if Oftel takes this line, reference to the manuals should be included elsewhere. One suitable place could be within the first paragraph of the "Purpose of this Document" section (".....in accordance with the Functional Specification and the prevailing agreed industry process manuals under obligations imposed.....").

2.48 BT notes that Oftel is planning to consult on the mobility rules for Number Portability. BT points out that Oftel is aware of BT's significant concerns in this area, from its response to an earlier Oftel consultation on revisions to the Functional Specification. Some of the portability restrictions around mobility are contained in the end-to-end process manual; another significant reason why BT wants to see the

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link retained.

***Director's comments***

2.49 Oftel has in the past supported, and will continue to fully support, industry's agreed business rules and processes provided they effectively deliver subscribers' rights to number portability and reflect portability policy. It should not be in the interest of any communications provider to seek to undermine these arrangements. Such behaviour, were it to occur, would be likely to invite regulatory attention.

2.50 However, BT's suggested amendment goes too far. Under existing regulation, there is no regulatory obligation as such to comply with agreed industry process manuals. Therefore, such a change would constitute a substantive rule change. Again, as made clear in the consultation document, it is not the Director's intention to make such changes at this time.

***Respondent's comment***

2.51 Common Rule 1 – BT suggests that this could be simplified by indicating that "...routing tables of switches on the Public Telephone Networks of all Communications Providers...".

***Director's comments***

2.52 The Director agrees and has amended the Functional Specification accordingly.

***Respondent's comments***

2.53 Common Rule 1 – BT suggests would benefit by the following text being added at the end. "For the avoidance of doubt the Recipient Provider should co-ordinate the activities of all other Communications Providers".

***Director's comments***

2.54 The Director considers issues of co-ordination to be better addressed in the relevant industry process arrangements rather than the Functional Specification.

***Respondent's comments***

2.55 Some concern was expressed that the removal of Common Rule 3 requiring the integrity of Calling Line Identification ("CLI") to be maintained where possible when handling a call to a Ported Number, or set to 'unavailable' if not, may result in CLI not being provided in such circumstances.

***Director's comments***

2.56 The Director considers this rule to be unnecessary duplication of requirements elsewhere and made clear in his consultation that this provision was unnecessary in the light of *both* regulations and the guidance he is seeking to publish. The reasoning set out in the consultation document should be considered in conjunction with the

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General Condition entitled “Provision of Additional Facilities”<sup>1</sup>. This Condition, implementing Article 29 of the Universal Services Directive (2002/22/EC), requires Communications Providers to make CLI available to end-users in the circumstances set out in the General Condition. The requirement to provide CLI Facilities is not subject to any exclusion where a Telephone Number happens to be subjected to the process of Portability.

***Respondent’s comments***

2.57 Regarding Common Rule 5, BT considers the following addition at the end of the rule, would be helpful: “. For the avoidance of doubt, the Recipient Provider should co-ordinate the activities of all other relevant Communications Providers.”

***Director’s comments***

2.58 The Director considers BT’s proposed clarification to be unnecessary and one which appears to be a process or procedural point which might be better reflected in industry agreed business rules, ie the so-called [end to end] process manuals.

**Annex A**

***Respondent’s comments***

2.59 With regard to Annex A, BT notes that given that Number Portability applies to Publicly Available Telephone Service, it would question whether numbers behind 082 – Internet for Schools – will ever be portable.

***Director’s comments***

2.60 The Director notes BT’s view regarding 082, but he has no comment to make.

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<sup>1</sup> Consultation on the draft General Condition was set out in the document entitled “A consultation on the implementation of European Community directives on electronic communications networks and services and the general conditions to be made once the Communications Bill is passed” published on 19 March 2003 by the Department of Trade and industry in collaboration with the Office of Telecommunications.

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## **Annex A**

A.1 The consultative document on changes to the number portability functional specification was published on 19 March 2003 and responses requested by 16 May 2003. Non-confidential responses were received from:

1. British Telecommunications plc
  2. Northern Ireland Advisory Committee for Telecommunications
  3. Orange plc
  4. Vodafone Limited
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## **Annex B**

### **Number portability functional specification**

**Issue No: 5**  
22 July 2003

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- Definitions
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#### **Purpose of this document**

Operator or service provider portability is a facility that ultimately allows Subscribers to change the Communications Provider providing Publicly Available Telephone Services while keeping their Telephone Number. Such Portability must be provided by one Communications Provider (ie the Donor Provider) to another (ie the Recipient Provider) in accordance with the Functional Specification under obligations imposed on such Donor Providers under UK legislation implementing the provisions of Article 30 of the Universal Service Directive (2002/22/EC)(see further about those provisions under 'Scope of Portability' in this document).

In addition, obligations are imposed under implementing legislation on Recipient Providers and Transit Providers as appropriate to provide Portability in accordance with the Functional Specification.

The Functional Specification sets out: (i) the technical and operational scope of the Portability facility to be provided; (ii) specific rules relating to processes to be carried out by Communications Providers, which are necessary to ensure the efficient provision of Portability between Communications Providers; and (iii) some general

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rules and other principles concerning the efficient use of Telephone Numbers where Portability services are being provided.

## **Scope of Portability**

Article 30(1) of the Universal Service Directive provides that “Member States shall ensure that all subscribers of publicly available telephone services, including mobile services, who so request can retain their number(s) independently of the undertaking providing the service: (a) in the case of geographic numbers, at a specific location; and (b) in the case of non-geographic numbers, at any location. This paragraph does not apply to the porting of numbers between networks providing services at a fixed location and mobile networks.” In the UK, that provision is implemented into UK legislation through the imposition of General Condition 18 (entitled ‘Number Portability’), which is contained in Part 2 of the Schedule to the Notification published pursuant to section 48(1) of the Communications Act 2003 on 22 July 2003. That Condition imposes number portability obligations on all Communications Providers. This revision of the Functional Specification reflects the changes brought about by a new regulatory framework for electronic communications networks and services to create harmonised regulation across the European Community.

In order to allow Subscribers to retain their Telephone Numbers when they change the Communications Provider supplying Publicly Available Telephone Services to them, Communications Providers are required to provide Portability in respect of Telephone Numbers specified in Annex A. For the avoidance of doubt, the above-mentioned General Condition does not require Paging Portability.

## **Definitions**

### ***Communications Provider***

A person who provides an Electronic Communications Network or provides an Electronic Communications Service.

### ***Donor Provider***

The Communications Provider whose Subscriber Number(s) are in the process of being, or have been passed or ported to a Recipient Provider.

### ***E.164***

An abbreviation of Recommendation E.164 entitled “The International Public Telecommunication Numbering Plan”, published by the Telecommunications Standardisation Sector (ITU-T) of the International Telecommunications Union.

### ***Geographic Mobility***

A service offered by a Communications Provider to its Subscribers whereby the calls to a Subscriber Number are routed to a new address.

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***Mobile Number***

A Telephone Number allocated for the use with Mobile Communications Services.

***Mobile Portability***

Portability relating to Telephone Numbers allocated for use with Mobile Communications Services.

***Non-geographic Number***

A Non-geographic Number but does not include a Telephone Number from the National Telephone Numbering Plan allocated for Radiopaging Services.

***Number Block***

A unit of 1,000, 10,000 or 100,000 numbers that have been allocated in accordance with the National Telephone Numbering Plan.

***Number Range***

A set of contiguous numbers of a specified or unspecified size.

***Point(s) of Connection***

A point at which one Public Telephone Network is connected to another.

***Portability***

Any facility which may be provided by a Communications Provider to another enabling any Subscriber who so requests Number Portability to continue to be provided with any Public Available Telephone Service by reference to the same Telephone Number irrespective of the identity of the person providing such a Service.

***Ported Number***

A Subscriber Number in relation to which the facility of Portability is in the process of being or has been provided.

***Public Telephone Network***

An Electronic Communications Network which is used to provide Publicly Available Telephone Services; it supports the transfer between Network Termination Points of speech communications, and also other forms of communication, such as facsimile and data.

***Publicly Available Telephone Services***

A service made available to the public for originating and receiving, or only receiving, national and international telephone calls through a Telephone Number or Numbers

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in the National Telephone Numbering Plan or international telephone numbering plan.

***Recipient Provider***

The Communications Provider to whom Subscriber Number(s) are in the process of being, or have been passed or ported from a Donor Provider.

***SCCP***

An abbreviation of signalling connection control part (SCCP) documented in PNO-ISC Number 003 Interconnection Signalling Connection Control Part (SCCP), Issue 2, August 2000 and with regard to Portability documented in PNO-ISC/SER/008 Service Description Number 008 Mobile Number Portability.

***Service Area (applies to Portability in relation to Geographic Numbers only)***

That part of the geographic area in which a Donor Provider provides Publicly Available Telephone Services within which, at the time that any request for Simultaneous Geographic Mobility or Subsequent Geographic Mobility is made by another Communications Provider in respect of a Subscriber Number, the Donor Provider would provide such Geographic Mobility in respect of that Subscriber Number as part of its standard provisioning practice.

***Service Number***

A Telephone Number from within the Number Ranges as available for allocation to Communications Providers for Mobile Services which is used as an internal number for the provision of messaging or similar value-added services.

***Simultaneous Geographic Mobility***

A service offered on a voluntary basis by a Recipient Provider to its Subscribers whereby Subscriber Numbers may be retained while simultaneously changing Communications Provider and moving to a new address.

***Subscriber***

Any person who is party to a contract with the provider of Publicly Available Telephone Services for the supply of such Services in the United Kingdom.

***Subscriber Number***

The Telephone Number (or Telephone Numbers) which any Communications Provider's Public Telephone Network recognises as relating to a particular Subscriber of that Communications Provider.

***Subsequent Geographic Mobility***

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A service offered on a voluntary basis by a Recipient Provider to its Subscribers whereby, if a Subscriber Number becomes a Ported Number, it may be retained if the Subscriber subsequently moves to a new address.

### ***Subsequent Portability***

A type of Portability where the Donor Provider retrieves a Subscriber Number from a Recipient Provider to whom that Number has been previously ported and ports it to a second Recipient Provider.

### ***Transit Provider***

A Communications Provider providing, by agreement, Interconnection between a Donor Provider and a Recipient Provider via Points of Connection with both Communications Providers.

## **Interpretation**

Except in so far as the context otherwise requires, words or expressions in this Functional Specification shall have the meaning ascribed to them above under the heading 'Definitions'. Otherwise, any word or expression shall have the meaning as it has:

- (i) under General Condition 18 (entitled 'Number Portability') in Part 2 of the Schedule to the Notification published pursuant to section 48(1) of the Communications Act 2003 on 22 July 2003;
- (ii) if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, under paragraph 1 of Part 1 of the Schedule to the above-mentioned Notification;
- (iii) if, and only if, it has no meaning ascribed as mentioned in (i) and (ii) above, and only if the context so permits, under the National Telephone Numbering Plan; and
- (iv) if, and only if, it has no meaning ascribed as mentioned in (i), (ii) and (iii) above, and only if the context so permits, under the Communications Act 2003.

For the purposes of interpreting this Functional Specification:

- (a) the Interpretation Act 1978 shall apply to this Functional Specification as if it were an Act of Parliament; and
  - (b) headings and titles shall be disregarded.
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## **Rules of the Functional Specification**

### **Section 1: Donor Provider's Rules**

It is a Donor Provider's responsibility to ensure that all calls destined for Ported Numbers, subject to any network management actions reasonably undertaken in order to maintain network integrity on the Public Telephone Network or, in response to abnormal demands, are dealt with in a manner conforming to the following rules:

#### ***Rule 1***

Calls to a Ported Number, whether originating on the Donor Provider's Public Telephone Network or received from other Communications Providers' Public Telephone Networks, shall be passed to the Recipient Provider over one or more Points of Connection as agreed between the Donor and Recipient Providers, unless there is no direct Interconnection between them, in which case the Donor Provider shall ensure that calls to the Ported Number are passed to the Recipient Provider by means of a Transit Provider.

#### ***Rule 2***

If the Donor Provider's ability to provide Portability in respect of new Subscriber Numbers, in accordance with that Provider's obligations relating to Portability under General Condition 18 (entitled 'Number Portability') in Part 2 of the Schedule to the Notification published pursuant to section 48(1) of the Communications Act 2003, becomes restricted due to unforeseen constraints on switching or processing capacity, the Donor Provider shall promptly notify all relevant Recipient Providers and the Director.

#### ***Rule 3***

To the extent that Parallel Running of any Telephone Numbers is permitted by the National Telephone Numbering Plan, the Donor Provider shall be able to recognise a Ported Number on the basis of receiving a call for the ported Subscriber based on his original and superseded Telephone Number(s).

#### ***Rule 4***

Subject to Rule 5, before handing over each call to a Ported Number in a Recipient Provider's Public Telephone Network, the Donor Provider shall ensure that an appropriate Number Portability Code , allocated for the

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purpose by the Director to the Recipient Provider, and providing the identity of the Recipient Provider and, in the case of Portability relating to Geographic Numbers, the relevant switch or network node in the Recipient Provider's Public Telephone Network, is inserted before the full national number.

This Rule does not apply to Mobile Portability.

**Rule 5**

The Donor Provider shall not pass Internal Network Portability Codes across Points of Connection.

This Rule does not apply to Mobile Portability.

**Rule 6**

Subject to Rule 5, Number Portability Codes shall be used in relation to Portability by the Donor Provider, and for no purpose other than to identify the Recipient Provider and, in the case of Portability in relation to Geographic Numbers, the relevant switch or network node in its network.

This Rule does not apply to Mobile Portability.

**Rule 7**

The Donor Provider shall, on receipt of a call for a ported Subscriber Number, either:

- i) relay a signalling enquiry message to the Recipient Provider, with an SCCP called party address in the International E.164 format [+44] [Mobile Number Portability Code] [abcdefghi]; or
- ii) for circuit-related calls, directly provide, as an option, on notification to the Recipient Provider's network, its own routing instructions to enable direction of such calls to the Recipient Provider's network and identification of the ported Subscriber using an intermediate routing number ("IRN"), without relaying an enquiry to the Recipient Provider's network.

In the above, the Mobile Number Portability Code identifies the Recipient Provider's network; abc defghi represent called Subscriber number digits.

On receipt of onward routing instructions as specified in Rule 5 of the Recipient Provider Rules (see section 2), from the Recipient Provider, the Donor Provider shall pass calls to the Recipient Provider in accordance with Donor Provider Rule 1 above.

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This Rule applies to Mobile Portability only.

## **Section 2: Recipient Provider's Rules**

It is a Recipient Provider's responsibility to ensure that all calls made to Ported Numbers, subject to any network management actions reasonably undertaken in order to maintain network integrity on the Public Telephone Network or, in response to abnormal demands, are correctly delivered once they are correctly received from the Donor Provider, and in particular the following rules apply:

### ***Rule 1***

The Recipient Provider shall inform the Donor Provider of any change in the circumstances of the service associated with any Ported Number that may impact on the Donor Provider's ability to route calls to that Ported Number. (This includes, inter alia, the transfer of Telephone Numbers to another exchange in the Recipient Provider's network and significant changes in call traffic volumes expected to be generated to Ported Numbers.)

### ***Rule 2***

Where a call to a Ported Number originates on the same local exchange as that on which the Ported Number is held, the Recipient Provider shall recognise such Number and route that call and terminate it within its Public Telephone Network, unless the Donor Provider has agreed that the call may be passed back to the Donor Provider via a Point of Connection for recognition and re-routing.

This Rule applies to Portability in relation to Geographic Numbers only.

### ***Rule 3***

A Recipient Provider shall only provide Simultaneous Geographic Mobility or Subsequent Geographic Mobility to a Subscriber in respect of a Subscriber Number ported from a Donor Provider within the Service Area of the Donor Provider.

This Rule applies to Portability in relation to Geographic Numbers only.

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**Rule 4**

Where a call to a ported Non-geographic Number or Mobile Number originates on the same Public Telephone Network as that on which the Ported Number is held, the Recipient Provider may recognise that call and route and terminate it within its Public Telephone Network, but in the absence of such an arrangement the call shall be passed to the Donor Provider via a Point of Connection for recognition and re-routing.

This Rule applies to Portability of Non-geographic Numbers and Mobile Portability only.

**Rule 5**

On receipt of an SCCP enquiry message relating to a circuit related call from a Donor Provider indicating that the Donor Provider has a call for a Ported Number, the Recipient Provider shall provide onward routing instructions back to the Donor Provider's Public Telephone Network either:

- i) in standard mobile subscriber roaming number E.164 International format sufficient to identify the called party within the Recipient Provider's Public Telephone Network; or
- ii) in the form of an IRN either in E.164 International format [+44] [Mobile Number Portability Code] [abc defghi] or, in E.164 National format [Mobile Number Portability Code] [abc defghi], to enable the Donor Provider to route the call into the Recipient Provider's Public Telephone Network. Digits after the Mobile Number Portability Code may be manipulated by the Recipient Provider's Public Telephone Network to include additional routing information within the IRN.

Note: For non-circuit related signalling messages, the Recipient Provider responds to the Donor Provider according to standard GSM procedures.

This Rule applies to Mobile Portability only.

**Section 3: Transit Provider's Rules****Rule 1**

A Transit Provider shall, when a call is received over a Point of Connection from a Donor Provider with the appropriate Number Portability Code inserted before the full national Ported Number, deliver the call to the appropriate Point of Connection of the Recipient Provider with the Number Portability Code.

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This Rule does not apply to Mobile Portability.

**Rule 2**

A Transit Provider providing SCCP transit functionality between the Donor and Recipient Provider's Public Telephone Networks shall support relay of a signalling enquiry message to the Recipient Provider's Public Telephone Network, with an SCCP called party address in the International E.164 format [+44] [Mobile Number Portability Code] [abc defghi].

Transit Providers' Public Telephone Networks providing call routing between Communications Providers' Public Telephone Networks shall support the routing of IRNs either in the E.164 International format [+44] [Mobile Number Portability Code] [abc defghi] or, in the E.164 National format [Mobile Number Portability Code] [abc defghi].

This Rule applies to Mobile Portability only.

**Section 4: Common Rules**

**Rule 1**

Where an entire Number Block of Subscriber Numbers is transferred from a Donor Provider to a Recipient Provider, the Donor Provider shall notify the Director to this effect. Such Blocks shall be transferred using the same technical method - amendments to the routing tables of switches on the Public Telephone Networks of all Communications Providers - as would be used if a new Number Block had been opened up by the Recipient Provider, and by this means all calls to Telephone Numbers in that block will be automatically routed to their correct location. For the avoidance of doubt, the Number Portability Code shall not need to be used to route calls to a Number Block that has been transferred in this way.

This Rule does not apply to Mobile Portability.

**Rule 2**

(a) Having regard to the National Telephone Numbering Plan, where a Donor Provider loses 60% or more of its Subscriber Numbers to any Recipient Providers, and at least 40% of those Subscriber Numbers are handled by one Recipient Provider, the Donor Provider (or that Recipient Provider) may apply to the Director for re-allocation of that block to that Recipient Provider.

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(b) The Director will retain absolute discretion as to whether to re-allocate such numbers in these circumstances. However, the following factors will be taken into account when reaching a decision:

(i) there should be no adverse effect upon network services or facilities available to remaining Subscribers of the Donor Provider once the re-allocation takes place;

(ii) there shall be proper arrangements in place between all affected Communications Providers in order to co-ordinate consequent changes of primary routing of the re-allocated range of numbers and alteration of transfer arrangements in relation to those numbers;

(iii) having regard to the National Telephone Numbering Plan, if the Donor Provider regains 60% or more of the Subscriber Numbers in a transferred Number Block, it may apply to the Director for a further re-allocation of the transferred block back to itself, and the considerations set out under this Common Rule 2 shall apply; and

(iv) where a number block held by a Donor Provider is reallocated in accordance with the rules set out above, the Donor Provider may apply to the Director for a new Number Block to be allocated in accordance with the National Telephone Numbering Plan.

This Rule does not apply to Mobile Portability.

### ***Rule 3***

All calls to Ported Numbers, including calls handled by Transit Providers, shall use routing which minimises call set-up delay, commensurate with the technical capabilities of the Public Telephone Networks and having regard to the implementation costs.

### ***Rule 4***

The Donor Provider shall not reallocate any Ported Number unless it is relinquished by the ported Subscriber. The Recipient Provider shall inform the Donor Provider when a Subscriber has relinquished a Ported Number. For the avoidance of doubt, the Donor Provider may reallocate any such number after having being informed by the Recipient Provider that a Subscriber has given up a Ported Number.

### ***Rule 5***

With the aim of ensuring that service to the Subscriber using the Ported Number is provided with as little disruption as possible, Recipient Providers

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shall provide Subsequent Portability by co-operating with each other in ensuring that any Recipient Provider who wins the Subscriber's business in relation to a Telephone Number from another Recipient Provider, is informed of the identity of the Donor Provider, and the Donor Provider shall co-operate with both Recipient Providers in establishing arrangements for Portability to be provided to the new Recipient Provider.

### **Rule 6**

Where a Donor Provider intends to substitute Telephone Numbers with more digits than those in the same Number Block as any Ported Number or provide Parallel Running associated with such numbers, the Donor Provider shall give the Recipient Provider sufficient advance notice of the approximate date of the planned substitution or introduction of Parallel Running to enable the Recipient Provider to make appropriate technical arrangements to ensure a smooth handover. Generally, the Donor Provider should be able to provide three months' advance notice of the exact date of substitution or introduction of Parallel Running, subject to any practical difficulties which may affect that date by a reasonable period of time. The Donor Provider shall provide to the Recipient Provider the longer Telephone Number which corresponds to that Ported Number. The Recipient Provider shall ensure that, concurrent with the Donor Provider's substitution of the longer Number Block for the shorter Number Block, the Ported Number is also substituted.

## **Annex A of the Functional Specification**

Numbering Ranges from the National Telephone Numbering Plan to which Portability applies:

Number(s) beginning:

01

02

0500

070

077 excluding Service Numbers

078 excluding Service Numbers

079 excluding Service Numbers

080

082

084

087

090

091

118XXX

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## Annex C

### 18. NUMBER PORTABILITY

18.1 The Communications Provider shall provide Number Portability as soon as it is reasonably practicable on reasonable terms, including charges, to any of its Subscribers who so requests.

18.2 The Communications Provider shall, pursuant to a request from another Communications Provider, provide Portability (other than Paging Portability) as soon as is reasonably practicable in relation to that request on reasonable terms and in accordance with the Functional Specification. Any charges for the provision of such Portability shall be made in accordance with the following principles:

(a) subject always to the requirement of reasonableness, charges shall be cost oriented and based on the incremental costs of providing Portability unless:

(i) the Donor Provider and the Recipient Provider have agreed another basis for the charges, or

(ii) the Director has directed that another basis for charges should be used;

(b) the Donor Provider shall make no charge in relation to System Set-Up Costs or Additional Conveyance Costs;

(c) in respect of Mobile Portability, the Donor Provider shall make no charge or annual fee for ongoing costs relating to registration of a ported Telephone Number or a Subscriber;

(d) charges levied by the Donor Provider shall be based on the reasonable costs incurred by it in providing Portability with respect to each Telephone Number.

18.3 Where the Communications Provider provides Portability in accordance with paragraph 18.2:

(a) the Recipient Provider; and

(b) the Transit Provider,

shall, as appropriate, provide Portability (other than Paging Portability) on reasonable terms and in accordance with the Functional Specification.

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18.4 The Communications Provider shall, on the written request of the Director, provide the Director with a record of each Telephone Number in relation to which it is providing Portability, specifying the relevant Recipient Provider in each case.

18.5 For the purposes of this Condition:

(a) “Additional Conveyance Costs” mean any costs incurred by the Donor Provider associated with resources used in:

(i) effecting the switch-processing required to set up each ported call; and

(ii) providing the switch and transmission capacity for any part of the duration of each ported call,

additional to the costs of conveyance of non-ported calls from the Donor Provider’s network to the Recipient Provider’s network;

(b) “Communications Provider” means a person who provides an Electronic Communications Network or an Electronic Communications Service;

(c) “Donor Provider” means a Communications Provider whose Subscriber Numbers are in the process of being, or have been passed or ported to a Recipient Provider;

(d) “Functional Specification” means a document, which specifies technical and other principles which are intended to enable the efficient implementation and utilisation of Portability, published by the Director from time to time in accordance with section 60 of the Act;

(e) “Mobile Communications Service” means any Publicly Available Telephone Service consisting in the conveyance of Signals by means of a Public Telephone Network where every Signal that has been conveyed thereby has been, or is to be, conveyed through the agency of Wireless Telegraphy to or from a Public Telephone Network which is designed or adapted to be capable of being used in motion;

(f) “Mobile Portability” means Portability relating to Telephone Numbers Allocated for use with Mobile Communications Services;

(g) “Non-geographic Number” means a Non-geographic Number but

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does not include a Telephone Number from the National Telephone Numbering Plan Allocated for Radiopaging Services;

(h) "Number Portability" means a facility whereby Subscribers who so request can retain their Telephone Number on a Public Telephone Network, independently of the person providing the service at the Network Termination Point of a Subscriber-

(i) in the case of Geographic Numbers, at a specific location; or

(ii) in the case of Non-geographic Numbers, at any location,

provided that such retention of a Telephone Number is in accordance with the National Telephone Numbering Plan;

(i) "Paging Portability" means Portability relating to Telephone Numbers Allocated for use with Radiopaging Services;

(j) "Point of Connection" means a point at which one Public Telephone Network is connected to another;

(k) "Portability" means any facility which may be provided by a Communications Provider to another enabling any Subscriber who requests Number Portability to continue to be provided with any Publicly Available Telephone Service by reference to the same Telephone Number irrespective of the identity of the person providing such a service;

(l) "Publicly Available Telephone Service" means a service made available to the public for originating and receiving, or only receiving, national and international telephone calls through a number or numbers in a national or international telephone numbering plan;

(m) "Radiopaging Service" means Electronic Communications Services consisting in the conveyance of Signals by means of Wireless Telegraphy where every Signal, apart from simple acknowledgement, is ultimately transmitted from a station for Wireless Telegraphy comprised in the Communications Provider's Electronic Communications Network to a station for Wireless Telegraphy or Wireless Telegraphy Apparatus that is not comprised in that network;

(n) "Recipient Provider" means a Communications Provider to whom Subscriber Number(s) are in the process of being, or have been passed or ported from a Donor Provider;

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(o) "Subscriber" means any person who is party to a contract with the provider of Publicly Available Telephone Services for the supply of such services in the United Kingdom;

(p) "Subscriber Number" means the Telephone Number (or Telephone Numbers) which any Communications Provider's Public Telephone Network recognises as relating to a particular Subscriber of that Communications Provider;

(q) "System Set-Up Costs" mean costs of the Donor Provider incurred—

(i) in the course of making network and system modifications, configuration and reconfiguration, including adapting or replacing software;

(ii) in the course of testing functionality within that provider's network and in conjunction with any Recipient Provider's network,

(iii) thereby establishing the technical and administrative capability to provide Portability;

(r) "Transit Provider" means a Communications Provider providing, by agreement, Interconnection between a Donor Provider and Recipient Provider via Points of Connection with both Communications Providers.

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