

Changes to the number portability functional specification to meet the new regulatory regime

A consultation document issued by the Director
General of Telecommunications

19 March 2003

Consultation closing date: 16 May 2003

Contents

Summary	3
Chapter 1 Introduction	4
Chapter 2 Background	7
Chapter 3 Proposed changes	
Chapter 4 Consultation details	
Annex A Draft revised functional specification	
Annex B Draft general condition of entitlement, "Number Portability"	

Summary

S.1 Portability is a facility provided by communications providers to enable subscribers to keep their telephone numbers independently of the provider supplying them with publicly available telephone services.

S.2 The Functional Specification is a document currently published from time to time by the Director General of Telecommunications (“the Director”), which specifies technical and other principles which are intended to enable the efficient implementation and utilisation of portability.

S.3 In this consultation the Director explains that he must make changes to the Functional Specification, Issue 4 of 12 September 2002 as part of the overhaul of the regulatory framework brought about by the entering into force, on 25 July 2003, of a package of new EU Communications Directives. This is set out in chapter 1. A draft of the new condition of entitlement for number portability (which essentially replaces the current licence condition and other regulations) is at Annex B.

S.4 No significant changes to portability policy are put forward in this revised Functional Specification, but substantive changes are proposed to the text and terminology. A draft revised number portability Functional Specification is at Annex A. An explanation of the changes is contained in chapter 3.

S.5 Comments on the draft Functional Specification are invited from all interested parties by 16 May 2003. Full details on the consultation arrangements can be found in chapter 4.

S.6 The Director will publish Issue 5 of the Functional Specification, having taken into account any responses made.

Chapter 1

Introduction

A new regulatory regime

1.1 A new regulatory framework for electronic communications networks and services will enter into force in the UK on 25 July 2003. The basis for the new regulatory framework is five new EU Communications Directives as follows:

- the Framework Directive¹;
- the Access Directive²;
- the Authorisation Directive³;
- the Universal Service Directive⁴ and;
- the Privacy Directive⁵.

1.2 The new regulatory framework is designed to create harmonised regulation across Europe and is aimed at reducing entry barriers and fostering prospects for effective competition to the benefit of consumers.

1.3 The Framework Directive provides the overall structure for the new regulatory regime and sets out fundamental rules and objectives that read across all the new Directives. As its name suggests, it is the Directive that establishes the new framework. Article 8 of the Framework Directive sets out three key policy objectives which have been taken into account in the preparation of this document. The Authorisation Directive establishes a new system whereby any person will be generally authorised to provide communications services and/or networks without prior approval. The general authorisation replaces the existing licensing regime. The Universal Service Directive defines a basic set of services that must be provided to end-users. The Access and Interconnection Directive sets out the terms on which providers may access each others' networks and services with a view to providing publicly available electronic communications services. These four Directives must be implemented in the UK and in other EU Member States on 25 July 2003. The fifth Directive on Privacy establishes users' rights with regard to the privacy of their communications. This Directive was adopted slightly later than the other four Directives and has an implementation date of 31 October 2003.

¹ Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services

² Directive 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities

³ Directive 2002/20/EC on the authorisation of electronic communications networks and services

⁴ Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services

⁵ Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector

Implementation

1.4 In the UK, it is intended to implement the four main Directives through a new Communications Act. The Communications Bill was introduced into the House of Commons on 19 November 2002 and is available at www.communicationsbill.gov.uk. The latest version of the Bill is that which was introduced into the House of Lords on 5 March 2003, having completed its passage through the Commons on the preceding day and can be found at that website. (References to the Communications Bill in this document are references to the 5 March version of the Bill). The Bill may continue to be subject to change as it proceeds through Parliament.

1.5 It is intended that the Communications Bill will receive royal assent by 25 July 2003. However, in the event that the Communications Bill does not receive royal assent by 25 July 2003, the government has acknowledged that implementation will need to occur by Statutory Instruments ("SIs") made under the European Communities Act 1972 for an interim period until the Bill enters into force (see below). Further, if the Communications Bill does receive royal assent by 25 July 2003, it is expected that Ofcom will not be ready by the summer to assume all of its duties foreseen by the Communications Bill. Should this be the case, the Communications Bill makes specific provision to enable Ofcom's functions to be carried out by the Director General of Telecommunications ("the Director") or the Secretary of State for a transitional period. For these reasons, this document refers to the Director rather than Ofcom.⁶

From licensing to general authorisation

1.6 A key change of the new framework is that the telecommunications licensing regime will disappear – providers of electronic communications networks and services will no longer be required to obtain a licence in advance of operating a system or providing services. The licensing regime will be replaced on 25 July 2003 by a general authorisation to provide electronic communications networks or services.

1.7 Under the new regime, while a licence is not required, communications providers may be subject to a number of General Conditions and, for some providers, specific conditions applicable only to an individual provider (eg obligations flowing from a designation as a provider of universal service or a finding of significant market power). Oftel has already consulted on General Conditions that may apply to providers as specified in those conditions. These General Conditions have been published and consulted upon at www.oftel.gov.uk/publications/licensing/2002/enti0502.htm. DTI (in conjunction with Oftel) has also recently launched a public consultation on the General Conditions that will be set under the Communications Act and also a corresponding set which

⁶ Annex B, the draft condition of entitlement 21: Number Portability refers to Ofcom as it is likely to be the version of the General Condition which is adopted when the Communications Bill receives royal assent.

would apply should an interim SI regime be necessary [\[insert link on Monday\]](#). Those conditions will be finalised at a later date. Oftel is consulting separately in a series of other documents about specific conditions that apply to individual providers.

1.8 Particular attention is drawn to draft general condition of entitlement 21 called "Number Portability" ("General Condition 21"). A copy of the latest draft of this condition is at Annex B for information and reference.

The Functional Specification

1.9 Draft General Condition 21 provides that communications providers shall provide portability, inter alia, in accordance with the Functional Specification. The Functional Specification is a document that specifies technical and other principles that are intended to enable the efficient implementation and utilisation of portability.

Chapter 2

Background

Number portability

2.1 Number portability is the facility whereby subscribers can retain their telephone number, if they request it, independently of the company providing them with a telephone service.

2.2 It is recognised by the European Union as a key facilitator of consumer choice and effective competition in a competitive communications environment; subscribers being reluctant to consider changing their communications provider if this means they have to change their telephone number(s). Having to change number can be a major inconvenience to consumers and can be both inconvenient and potentially costly to businesses.

2.3 The UK has been in the forefront of the provision of number portability. Operators were required to offer portability for geographic telephone numbers and other fixed services, such as freephone, from 1997. Portability in respect of mobile services was required from 1999.

European legislation

2.4 Since 2000, portability between suppliers of fixed telecommunications services has been subject to European Community legislation through the number portability provisions of the Interconnection Directive (97/33/EC) as amended by the Numbering Directive (98/61/EC). The portability provisions of these Directives will shortly be superseded by the Universal Services Directive (2002/22/EC) and will apply to mobile as well as fixed services.

UK legislation

2.5 As detailed in the previous chapter, the Universal Service Directive (together with other EU Directives) will be brought into force on the 25 July 2003 by way of a new Communications Act or, on an interim basis, by SIs under the European Communities Act 1972. The licensing regime will be replaced by a general authorisation to provide electronic communications networks or services subject to certain general and specific conditions. One such general condition will concern the provision of number portability (“General Condition 21”) and will replace the licence conditions and number portability regulations⁷ that currently provide for the provision of number portability in the UK. In this document the EU Directives, Communications Bill and general conditions together are referred to as the new regime.

⁷ The Telecommunications (Interconnection) Regulations 1997, S.I. No. 2931 as amended by the Telecommunications (Interconnection)(Number Portability,etc.) Regulations 1999, S.I. No. 3449

The Functional Specification

2.6 In both the current and the new regime for number portability, communications providers are and will be required to provide portability – the facility provided by one communications provider, on request, to another in order to meet subscribers' requests for number portability - in accordance with the Functional Specification. The Functional Specification is a document, published by the Director, which specifies the technical and other principles that are intended to enable the efficient implementation and utilisation of portability. The current issue of the Functional Specification is Issue 4 dated 12 September 2002.

Chapter 3

Proposed changes

Introduction

3.1 This chapter should be read in conjunction with both the current Functional Specification (Issue 4 of 12 September 2002 available at www.oftel.gov.uk/publications/numbering/2002/npfs0902.htm#a) and the draft revised Functional Specification (Issue 5) at Annex A.

3.2 A list of definitions of the terms used in this document is included within Issue 4 and the draft Issue 5 Functional Specification. For this reason, this consultation document does not contain a glossary.

3.3 The following is a section by section explanation of the main amendments proposed in draft Issue 5 of the Functional Specification.

Purpose of this document

3.4 This section is revised to introduce the changes required by the new regime and, in this context, the new obligations on Communications, Donor, Recipient and Transit Providers. References to systemless service providers have been removed on the basis that such providers fall within the definition of Communications Provider insofar as they provide an Electronic Communications Service. However, the purpose of the Functional Specification remains the same.

Scope of portability

3.5 This section has been revised significantly. It sets out the provisions of Article 30 (1) of the Universal Service Directive ("USD"). As set out in chapter 2, the USD applies to mobile as well as fixed services. In order to comply with Article 30, obligations are imposed on Communications Providers by way of a single general condition ("General Condition 21"). As a result, current references to the Numbering Directive, Telecommunications Act 1984 licences, licence conditions (both "Number Portability" and "Mobile Number Portability") and the number portability regulations are no longer relevant and are removed.

3.6 References to the Numbering Conventions are replaced by the National Telephone Numbering Plan. This is the subject of a separate consultation.

Definitions

3.7 There are some significant new definitions in this section. Several are copied over from the new general condition, others link with changes to other regulations (eg the new National Telephone Numbering Plan) or are modified versions of

previously defined terms in the Functional Specification. Terms relating to the old regime (eg, Operator, licensed areas, Specified Numbering Scheme) have been removed. This is because those terms will no longer exist as a result of the new EU regime and its implementation.

Interpretation

3.8 The Director proposes the inclusion of a small section headed “Interpretation” in order to make clearer the meanings ascribed to words or expressions and the general interpretation of the rules set out in the document.

Rules

3.9 Most of the rules remain largely unaltered save for the inclusion of newly defined terms to replace those that will no longer exist. However, where appropriate the Director has taken the opportunity to propose deletions or modifications to rules or parts of rules with a view to making the Functional Specification clearer and more concise. Such opportunities arise, in the form of the proposals below, where he is not entirely satisfied that they represent a clear requirement or restriction on Donor, Recipient or Transit Providers and/or where he considers them to be unnecessary duplication of requirements which are set out elsewhere eg in the National Telephone Numbering Plan. This section seeks to draw attention to those rules where the latter changes have been made. Such modifications and deletions do not involve a change of policy with the exception of the deletion of Rule 10, Common Rules regarding service provider timely porting. The proposal to relax this provision is explained below.

Section 1: Donor Provider's Rules

Rule 3

3.10 The obligation on the Donor Provider to recognise a Ported Number subject to Parallel Running is restricted to Geographic Numbers. This reflects the specific restriction on Telephone Numbers concerning migration set out in the National Telephone Numbering Plan.

Rule 7

3.11 In conjunction with section 2, Recipient Provider's Rules, Rule 6 (now Rule 5), some text has been deleted with a view to making the rule more concise. For example, Rule 7 includes details on the format of onward routing instructions sent by the Recipient Provider back to the Donor Provider which are covered in the Recipient Provider's Rules.

Section 2: Recipient Provider's Rules

Rule 1

3.12 The Director takes the view that this rule regarding the looping of calls does not add anything to the Recipient Provider's responsibility to ensure that calls to Ported Numbers are correctly delivered once they are correctly received from the Donor Provider.

Rule 2 (now Rule 1)

3.13 The current text in brackets giving examples of changes in the circumstances associated with any Ported Number about which Recipient Providers must inform Donor Providers has been amended to provide a more concise explanation of the kinds of circumstances where this rule may apply.

Section 4, Common Rules

Rule 3

3.14 Rule 3 of the current Functional Specification requiring the integrity of Calling Line Identification ("CLI") to be maintained where possible when handling a call to a Ported Number, or set to 'number unavailable' if not, has been removed.

3.15 In 1997, the adoption of the Telecommunications Data Protection Directive (97/66/EC), transposed into UK legislation as the Telecommunication (Data Protection and Privacy) Regulations 1999 (SI 1999 No.2093), established the first set of European Community rules applying to CLI. The Regulations are enforced by the Information Commissioner. The Telecommunications Data Protection Directive will be replaced by the Privacy Directive (2002/58/EC), formally adopted on 12 July 2002 and requiring to be transposed into UK law no later than 31 October 2003. This will require the repeal of the existing 1999 Regulations and their replacement by fresh regulations implementing the new Directive.

3.16 The Director has recently sought to assist industry in meeting their privacy and data protection obligations by establishing a consistent approach to the handling of CLI data from call origination through to call termination (ie inclusive of number portability). This is set out in a recent consultation on draft guidelines for Customer Line Identification Display Services and other related services over Electronic Communications Networks.

3.17 The Director does not consider the CLI provision in the Functional Specification to be necessary in the light of existing regulations and also considering the guidance he is seeking to publish.

Rule 5

3.18 Rule 5 of the current Functional Specification (rule 4 in the new draft) is simplified and is restricted to the reallocation of Ported Numbers. Requirements relating to the administration of numbering are set out in the General Condition 20 (allocation and adoption of telephone numbers) and the National Telephone Numbering Plan.

Rule 8

3.19 Rule 8 of the current Functional Specification sought to ensure that restrictions surrounding specially tariffed services (freephone, local, national and premium rate services) set out in the Numbering Conventions were maintained where such numbers were ported. The Director does not consider this provision to be necessary. Requirements and restrictions surrounding the adoption of numbers (including the adoption of numbers by Recipient Providers) are set out in General Condition 20 and the National Telephone Numbering Plan.

Rule 9

3.20 Rule 9 of the current Functional Specification dealing with premium rate service numbers is removed. The Director does not consider this rule to be entirely appropriate in the context of the requirement to provide Portability and the purpose of the Functional Specification. Premium rate providers who breach the Independent Committee for the Supervision of Standards of Telephone Information Services ("ICSTIS") codes of practice may be subject to sanctions imposed on them by ICSTIS. The Director therefore considers that further reference to this in the Functional Specification is unnecessary.

Rule 10

3.21 Rule 10 of the current Functional Specification concerning service providers timely porting is deleted following the Director's review of this rule as signalled in his statement of 12 September 02 on revisions to the Number Portability Functional Specification. The Director considers that the relaxation of this obligation on former Licensees is an appropriate reflection of the general changes brought about by the new regime and obligations on Communications Providers of General Condition 21.

3.22 Communications Providers, that is to say those who provide an Electronic Communications Network **or provide an Electronic Communications Service**, are in the circumstances set out in General Condition 21, required to provide Number Portability and Portability as soon as is reasonably practicable. This position now provides for a consistent regulatory approach across fixed and mobile portability.

Rule 11

3.23 Rule 11 of the current Functional Specification concerning responsibility for process manuals is deleted. The Director does not consider that the explanatory detail needs to be set out as a rule in the Functional Specification. Oftel will continue to host the latest versions of the industry process manuals.

Annex A

3.24 The Director has combined the two annexes separately detailing numbering ranges to which Portability applies into a single annex and replaced references to the Numbering Conventions with the National Telephone Numbering Plan.

3.25 The Director has added 118XXX to the existing list of Numbering Ranges to which Portability applies.

3.26 The Director published his statement of policy on the allocation of Access Codes for Directory Enquiry Services in March 2002. In it he made clear that sub-allocatees may be entitled to transfer their Directory Enquiry ("DQ") code to another network operator by virtue of the right to number portability afforded Subscribers under European legislation.

3.27 The Director went on to state that where such a port request were made, the operator to whom the DQ code had been allocated would need to relinquish the code back to Oftel. The DQ provider's preferred operator would need to apply for the code in the normal way to effect the transfer. However this numbering administration process would not prevent operators from putting in place a process similar to that which exists to transfer a whole number block. Such transfers form part of the Number Portability Functional specification.

Chapter 4

Consultation details

4.1 Oftel seeks views of industry and others on the proposals outlined in this document. The closing date for submission of comments is 16 May 2003.

4.2 Where possible, comments should be made in writing and sent by e-mail to warwick.izzard@oftel.gov.uk. However, copies may also be posted or faxed to the address below. If any stakeholders are unable to respond of one of these ways, they should discuss alternatives with the Oftel official below:

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Further copies of this document

4.3 This document can be viewed in the **Publications** section of Oftel's website (www.oftel.gov.uk/publications/index.htm), under **Numbering**. Paper copies and more accessible formats such as large print, Braille, disc and audio cassette can be made available on request. Please contact Oftel's Research and Information Unit by phoning 020 7634 8761 or by sending an e-mail to infocent@oftel.gov.uk.

Publication of representations made by stakeholders

4.4 In the interests of transparency, all representations will be published, except where respondents indicate that a response, or part of it, is confidential. Respondents are therefore asked to separate out any confidential material into a confidential annex which is clearly identified as containing confidential material. Oftel will take steps to protect the confidentiality of all such material from the moment that it is received at Oftel's offices. However, in the interests of transparency, respondents should avoid applying confidential marking wherever possible.

4.5 Non confidential representations can be viewed on Oftel's website in the **Publications** section under **Responses to Oftel consultations** (www.oftel.gov.uk/publications/responses/index.htm). They can also be viewed at Oftel's Research and Information Unit. Appointments must be made in advance by phoning 020 7634 8761 or sending and e-mail to infocent@oftel.gov.uk.

Annex A

Draft number portability functional specification

Issue No: 5

[Date]

Contents

- Purpose of this document
- Scope of Portability
- Definitions
- Interpretation
- Rules of the Functional Specification
 - Section 1: Donor Provider's Rules
 - Section 2: Recipient Provider's Rules
 - Section 3: Transit Provider's Rules
 - Section 4: Common Rules

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 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 a general condition of entitlement (entitled ‘Number Portability’) which 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 Europe.

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.

General Conditions of Entitlement

Those general conditions set by the Director from time to time pursuant to section 41 of the Communications Act 2003

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.

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.

National Telephone Numbering Plan

The document published by the Director from time to time pursuant to section 52 of the Communications Act 2003 setting out the numbers that the Director has determined to be available for allocation as telephone numbers and such restrictions as the Director considers appropriate on the adoption and other uses of those numbers.

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 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

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 under General Condition 21 of the General Conditions of Entitlement or the National Telephone Numbering Plan or, if it has no meaning ascribed thereunder and if the context so permits, under paragraph 1 of Part 1 of the Schedule of the General Conditions of Entitlement or the Communications Act 2003.

The Interpretation Act 1978 shall apply for the purpose of interpreting this Functional Specification as if it were an Act of Parliament.

For the purposes of interpreting this Functional Specification, headings and titles shall be disregarded.

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 the general conditions of entitlement, 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 Geographic 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 Geographic 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 a six-digit prefix commencing with the number 5 ('5xxxxx'), allocated for the 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 Director will allocate prefixes commencing with numbers between 504000 to 505999 for use solely in connection with Portability relating to Non-geographic Numbers. Within that block, prefixes commencing 5049 are reserved for internal network use by all Communications Providers in connection with Portability relating to Non-geographic Numbers. The Donor Provider shall not pass such prefixes across Points of Connection.

This Rule does not apply to Mobile Portability.

Rule 6

Subject to Rule 5, prefixes commencing with the number 5 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 re-routing code in the International E.164 format +44799x 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, x is a digit identifying 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.

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.

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 +44799x abc defghi or, in E.164 National format 799x abc defghi, to enable the Donor Provider to route the call into the Recipient Provider's Public Telephone Network. Digits after the prefix for Mobile Portability (+44799x) 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 distinguishing 6 digit prefix 5xxxxx inserted before the full national Ported Number, deliver the call to the appropriate Point of Connection of the Recipient Provider with the 6-digit prefix intact. 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 re-routing code in the International E.164 format +44799x 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 +44799x abc defghi or, in the E.164 National format 799x 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 Donor Providers and of all other 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 six digit-prefix commencing with the number 5 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.

(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 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 draft 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

Annex B

Draft condition of entitlement 21: Number Portability

21. NUMBER PORTABILITY

21.1 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.

21.2 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 by the Communications Provider 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) Ofcom 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 related 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, and may be charged by way of specific elements of the provision of the facility.

21.3 Where the Communications Provider provides Portability in accordance with paragraph 21.2:

(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.

21.4 The Communications Provider shall, on the written request of Ofcom, provide Ofcom with a record of each telephone number in relation to which it is providing Portability, specifying the relevant Recipient Provider in each case.

21.5 For the avoidance of doubt, this Condition does not apply to the porting of Telephone Numbers between a Communications Provider providing Publicly Available Telephone Services at a fixed location and a Communications Provider providing Mobile Communications Services.

21.6 In 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-porting calls from the Donor Provider's network to the Recipient Provider's network;

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

(c) “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 Ofcom following consultation with such persons who, in Ofcom’s opinion, are likely to be affected by the proposal and any other interested parties;

(d) “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;

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

(f) “Non-geographic Number” means a Non-geographic Number but does not include a Telephone Number from the National Telephone Numbering Plan allocated for Radiopaging Services;

(g) “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 at a specific location in the case of Geographic Numbers or at any location in the case of Non-geographic Numbers;

(h) “Paging Portability” means Portability relating to Telephone Numbers allocated for use with Radiopaging Services;

(i) “Point of Connection” means a point at which one Public Telephone Network is connected to another;

(j) “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;

(k) “Publicly Available Telephone Service” means a service available to the public for originating and receiving, or only receiving, national and international telephone calls through a Telephone Number or Numbers in the National Telephone Numbering Plan or an international telephone numbering plan;

(l) “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;

(m) “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;

(n) “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;

(o) “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;

(p) “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,

thereby establishing the technical and administrative capability to provide Portability;

(q) “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.
