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FAO: Number Portability Executive Steering Group

18 October 2018

Sent by email & available at ofcom.org.uk

Dear Jim,

Number portability

Background

As you are aware from recent discussions with us, we have ongoing concerns about consumers and business customers having their attempts to port their telephone numbers hindered, or even blocked by some fixed telecoms providers. Our concerns particularly relate to the porting of geographic numbers.

Consumers are entitled to keep their telephone numbers regardless of who they choose as their service supplier. This is a legislative requirement, and is enshrined in Ofcom's General Conditions of Entitlement, which apply to all telecoms providers.¹ The ability to retain the same telephone number fosters customer choice by enabling customers to switch providers without the cost or inconvenience of changing their telephone number, and this facilitates healthy competition in the market.

Ofcom's General Conditions of Entitlement require telecom providers to establish number porting facilities and to port numbers at the request of subscribers in the shortest time possible. These obligations are not new; regulation requiring telecoms providers to provide number portability has been in place for around 25 years. Porting numbers should be a routine aspect of doing business for anyone providing telecoms services to customers using UK telephone numbers.

Behaviour in breach of the General Conditions, such as trying to block or delay numbers from being ported, thereby preventing customers from switching away to rival providers, is unacceptable and unlawful.² Ofcom has enforcement powers in this area. So, earlier this year, we took enforcement

¹ See https://www.ofcom.org.uk/_data/assets/pdf_file/0021/112692/Consolidated-General-Conditions.pdf in particular condition B3 Number Portability (formerly condition 18).

² See Recital 47 and Article 30 of Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 at <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:337:0011:0036:EN:PDF>.

action against GW Telecom Ltd, resulting in a significant fine.³ We also have a current live investigation into Cloud M Ltd's provision of number portability.⁴ We will continue to consider taking enforcement action into issues concerning number portability, in accordance with Ofcom's Enforcement Guidelines.⁵

Need for industry to develop new processes

It is also important for industry to play a role in demonstrating its collective commitment to making porting work well for customers, so that porting issues can be dealt with promptly.

Industry has agreed and documented the detailed processes for how porting should be carried out, such as how orders are to be handled and what service levels are expected.⁶ We are now asking you and industry colleagues who maintain fixed-line porting processes, to prioritise establishing and implementing a 'port override process', which allows ports to be successfully completed where a subscriber's legitimate request to port their number is being incorrectly blocked or frustrated. Such a process has similarities with 'Cancel Other Expedite' which was introduced to override those losing providers trying to abuse an anti-slamming process to improperly cancel a switch order on the Openreach or KCOM access network.⁷

Ofcom's role

We understand that some in the industry have asked about Ofcom's role in supporting industry's detailed processes and specifically have asked whether Ofcom could do more to require all telecoms providers not just to comply with the General Conditions but with industry processes.

The technical and order handling processes for portability should rightly be owned and maintained by industry rather than by Ofcom, and we encourage their continued development through shared industry experience and expertise. We recognise the value of industry processes as a guide to what constitutes best practice in the context of number portability. In the past, we have referred to these in considering disputes or complaints and will continue to do so where they are relevant.

However, explicitly requiring compliance with industry processes would have two risks. Firstly, it may impede enforcement where industry processes themselves are insufficient to enable number portability. Secondly, it would risk placing telecoms providers in breach of a regulatory obligation for

³ We fined Gateway £20,000 in January 2018 for various contraventions of our porting regulations - see https://www.ofcom.org.uk/about-ofcom/latest/bulletins/competition-bulletins/all-closed-cases/cw_01195.

⁴ See: https://www.ofcom.org.uk/about-ofcom/latest/bulletins/competition-bulletins/open-cases/cw_01211

⁵ See: https://www.ofcom.org.uk/_data/assets/pdf_file/0015/102516/Enforcement-guidelines-for-regulatory-investigations.pdf

⁶ See OTA2 Best Practice Guide at <http://www.offta.org.uk/best.htm> and, in particular, the process manuals for geographic and non-geographic number portability.

⁷ See <http://www.offta.org.uk/Expedite%20Process%20steps%20Issue%201.pdf>.

providing effective number portability in a slightly different – and perhaps even better – way than envisaged in industry guidance. We stated this in 2006 and we continue to stand by this position.⁸

Future porting arrangements

Looking beyond current porting arrangements, Ofcom believes that now is the time for transformation in how telephone numbers are administered, authenticated and ported. As the UK migrates to an all-IP environment, we see a compelling case to develop a strategic solution that meets consumers' needs through a robust and trustworthy system that can resolve porting issues promptly and without the need for regulatory intervention.

We trust that this provides the clarity that industry needs to address challenges in the short term, and Ofcom's commitment to developing a strategic solution as industry shifts to an all-IP environment.

Yours sincerely,



Brian Potterill and Gaucho Rasmussen

⁸ See Ofcom's Statement of 30 March 2006 on Number Portability and Technology Neutrality at https://www.ofcom.org.uk/_data/assets/pdf_file/0027/45693/mod_statement.pdf.