

GOVERNMENT NOTICE NO. 422 published on 9/12/2011

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT

(CAP.306)

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**REGULATIONS**

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THE ELECTRONIC AND POSTAL COMMUNICATIONS (MOBILE NUMBER PORTABILITY)  
REGULATIONS, 2011

ARRANGEMENT OF REGULATIONS

*Regulation*    *Title*

PART I  
PRELIMINARY PROVISIONS

1. Citation
2. Application
3. Interpretation

PART II  
THE MOBILE NUMBER PORTABILITY

4. Powers of the Authority
5. Number porting approach, solutions and conditions
6. Status of a ported number

PART III  
THE NUMBER PORTING PROCEDURES, CLEARINGHOUSE,  
AND ASSOCIATED CHARGES

7. Changing from one mobile network operator to another
8. Number portability clearinghouse obligations
9. Licensee's obligations on number portability

10. Charges to cover the number portability clearing house administration
11. Costs for porting numbers

**PART IV**  
**GENERAL PROVISIONS**

12. Quality of Services
13. Non-discriminatory treatment
14. Dispute Resolution
15. Penalties

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT

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**REGULATIONS**

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*(Made under Section 165)*

THE ELECTRONIC AND POSTAL COMMUNICATIONS (MOBILE NUMBER PORTABILITY)  
REGULATIONS, 2011

PART I

PRELIMINARY PROVISIONS

- Citation                    1. These Regulations may be cited as the Electronic and Postal Communications (Mobile Number Portability) Regulations, 2011.
- Application                2. These Regulations shall apply to all electronic communication operators in relation to telecommunication numbering resources.
- Interpretation            3. In these Regulations, unless the context otherwise requires:-
- Cap.306                    “Act” means the Electronic and Postal Communications Act;  
                                  “administration services” means all services needed for the administration of the porting process and all services needed to inform the operators about the network to which a telephone number or service number is connected;  
                                  “additional cost” means cost of conveying a call to a recipient operator for a ported number over and above the cost of conveying a call to the same operator for a non-ported number;  
                                  “all call query” means a call routing solution used in number

- portability, whereby a network operator makes copies of central data base of ported numbers and queries it to find out which network to send a call to;
- Cap. 172 “Authority” means the Tanzania Communications Regulatory Authority (TCRA) established under the Tanzania Communications Regulatory Authority Act;
- “CDMA” means Code Division Multiple Access technology;
- “donor” means the provider of public telephone services whose subscriber or former subscriber wants to use or uses the services of another provider of public telephone services in retaining the subscriber number, which was or is used to receive electronic communication services of the donor;
- “electronic communication number” means the number, sign or other mark which an electronic communication operator uses in its delivery of electronic communication services for identification of electronic communication facilities in order to connect between the place of transmission and the place of reception or for identification of the type of content of transmission to be delivered by the electronic communication facility;
- “electronic communication operator” means any person licensed by the Authority to provide electronic communication services;
- “GSM” means Global System for Mobile communications technology;
- “licensee” for purposes of these Regulations means provider of public land mobile network services;
- “mobile number portability” means the customer’s retention of his mobile number(s) as he changes from one mobile service provider to another;
- “national numbering plan” means the plan for electronic communications numbers as maintained by the Authority;
- “national significant number” means the number to be dialled following the national (trunk) prefix to obtain a subscriber in the same country or group of countries included in one integrated numbering plan but outside the same local network or numbering area;
- “number portability clearinghouse” means a centralized automated

system , which contains a reference database serving as a central point for porting all mobile numbers and a central numbers repository and; executes and manages all porting processes between operators, verifying all completed requests, tracking request status, routing data, and history;

“number portability clearinghouse administrator” means an entity licensed by the Authority, which shall administer the number portability clearinghouse, co-ordinate its activity, control the number portability process in a centralized and automated way and render other services stipulated in the respective licence;

“original operator” means the provider of public telephone services, who has been granted by the Authority the first right to use the number; and therefore owns number range of a subscriber;

“recipient” means the provider of public telephone services, the services of which the subscriber wants to use or uses in retaining the telephone number, which was or is used to receive services of another public telephone provider;

“SMS” means Short Message Services;

“subscriber” means a customer of any service provider defined herein;

“tariff transparency” means tariff information provided by means of a beep sound, a display of charges on the subscriber’s terminal screen or voice recorded announcement indicating that the called party number is ported;

“MMS” means Multi-media Message Services.

## PART II

### THE MOBILE NUMBER PORTABILITY

Powers of the Authority

4. The Authority shall have power to maintain and control all electronic communication numbers and ensure their fair and efficient use by-

(a) performing proper planning, allocations and

- monitoring;
- (b) maintaining the national electronic communication numbering register for all carriers and operators in respect of resources which have been assigned; and
- (c) introducing number portability in the country.

Number  
Porting  
Approach,  
Solution and  
Conditions

5.-(1) The number portability in the United Republic shall be implemented by means of a centralized clearinghouse approach and a direct routing using All Call Query (ACQ) solution.

(2) The porting processes shall be designed around a 'one-stop-shop' concept, whereby the customer shall start the porting procedure by contacting the new operator or service provider and the proposed recipient operator shall be required to manage the process on behalf of the customer.

(3) An active pre-paid and post-paid mobile customer shall be allowed to port his mobile telephone number to any service provider of his choice.

(4) A licensee shall facilitate number portability when a subscriber is-

- (a) changing the method of payment from prepaid to post paid services and vice versa;
- (b) changing from one mobile network technology to another; and
- (c) changing from one licensee to another.

(5) Where a subscriber changes from one licensee to another after porting a number, the Authority shall grant the right to the recipient to use that subscriber number and the obligations related to it shall be transferred from donor to the recipient .

(6) The order of dialling the ported subscriber number shall correspond to the procedure for dialling a non-porting telephone number.

(7) A licensee shall provide tariff transparency in real time for ported numbers.

(8) A licensee shall acquaint subscribers with information on number portability including-

- (a) terms and conditions of porting;
- (b) impact of the subscriber's decision to use number portability; and
- (c) sources of, and accessibility to the information on number portability.

(9) A mobile number portability shall not include porting the Subscriber Identity Module (SIM), when porting, the recipient operator shall issue the porting Mobile Subscriber with a new SIM card.

(10) There shall be no limit to the number of times that a subscriber can port his number between service providers:

Provided that, a subscriber shall only port once per month.

(11) Any porting mobile subscriber using post-paid services at the donor operator shall be capable of using pre-paid services at the recipient operator and vice versa.

(12) A post-paid subscriber may only port his number if he has a maximum of one pending bill cycle or no outstanding payments.

(13) A pre-paid subscriber, who ports his number to a different licensee, shall forfeit the remaining pre-paid balance in his account.

(14) A recipient shall not be bound to pay any deposits or outstanding payments which are due from the donor.

(15) A ported subscriber shall retain all previous services available with the recipient operator including but not limited to Voice, SMS and MMS.

Status of a ported number

6.-(1) Once a subscriber terminates his service with the last recipient operator the ported number shall immediately be returned to the original operator.

(2) The original operator shall quarantine the number from porting for a period of one month.

PART III

THE NUMBER PORTING PROCEDURES, CLEARINGHOUSE,  
AND ASSOCIATED CHARGES

Changing  
from one  
mobile  
network  
operator to  
another

7.-(1) When changing from one licensee to another, a written application of subscriber which is submitted to the recipient shall form the basis for number portability.

(2) In the event the subscriber uses public telephone services of the donor, which the subscriber's donor does not identify, the subscriber shall, together with the application, submit evidence that he is a party to the agreement concluded with the donor.

(3) Subject to laws on protection of personal data and privacy the recipient, the subscriber shall have the right to receive information from the donor, to establish authenticity of the documents submitted.

(4) The donor shall provide the information that the recipient requests not later than two working days counting from the day of receipt of the Recipient's number porting application prepared by the number portability clearinghouse.

(5) The number portability process shall be Recipient led and implemented in line with the following procedure-

- (a) the recipient shall fill in an application for porting of a number, therein providing the following:
  - (i) date and time of number porting application;
  - (ii) particulars of the recipient;
  - (iii) particulars of the donor;
  - (iv) telephone number or number range to be ported;
  - (v) information for identification and legal status of the subscriber.
- (b) the recipient shall send the request to the number portability clearinghouse automated system for verification and generation of a report of number porting application to be sent to the donor;
- (c) if the recipient amends the porting report and confirms amendments or if a time lapse of six

- hours passes without a recipient notification of any amendments, the number portability clearinghouse shall save it and send a corresponding message to the donor relaying porting request;
- (d) number portability clearinghouse shall assign a unique number to each application for reference;
  - (e) after receiving a number porting application, the donor may-
    - (i) either acknowledge request by filling in the reserved section of the application with the information confirming the data supplied by the user and other information related to the porting,;
    - or
    - (ii) reject the request if numbers can not be ported by sending a message specifying the reason;
  - (f) the number portability clearinghouse shall save the information supplied by the donor and inform the recipient by the corresponding message;
  - (g) upon receipt of information provided by the donor the recipient may decide either-
    - (i) to cancel porting; or
    - (ii) to continue the porting;
  - (h) the recipient shall offer the porting date and time;
  - (i) the number portability clearinghouse shall save the information supplied by the recipient and inform the donor by the corresponding message;
  - (j) the donor shall either:
    - (i) accept the information provided by the number portability clearing house; or
    - (ii) reject the information for proposed date and time number portability clearinghouse shall save the decision made by donor and inform the recipient by the corresponding message;

- (k) before the porting time, the number portability clearinghouse shall send a notification message to all service providers to make technical changes in their networks, so that the ported number shall be accessible from their networks and to all telephone network operators and public telephone communications service providers linked to the number portability clearinghouse-
  - (i) the donor shall disconnect the number and send a confirmation about disconnection of the number to the number portability clearinghouse;
  - (ii) the number portability clearinghouse shall send a notification message to all licensees;
- (l) pursuant to paragraph (n), the number portability process may be cancelled at any stage before the final notification is sent to all licensees that are connected to number portability clearinghouse;
- (m) the donor and the recipient shall ensure that the number portability process shall last no longer than two working days;
- (n) the number portability clearinghouse administrator, shall, at least two (2) working days prior to number porting electronically notify the recipient and donor on the-
  - (i) commencement of the number portability process;
  - (ii) number deactivation and activation date; and
  - (iii) time necessary to carry out the procedures;
- (o) pursuant to sub-regulation (n) above, the donor and the recipient shall carry out instructions of the number portability clearinghouse administrator specified in these regulations and conditions on using the number portability clearinghouse;

- (p) the recipient shall be responsible for notifying the subscriber about the status of the number portability;
- (q) the mobile number portability process shall be carried out in such a way that the time between deactivation and activation of the ported number shall not exceed fifteen minutes;
- (r) the number portability clearinghouse administrator shall, prior to activation of the ported subscriber number, electronically inform all licensees about the ported subscriber number specifying the subscriber number being ported, and the donors' and recipients' networks identification data;
- (s) licensees shall ensure their wholesale or retail billing systems are capable of recognising the establishing number portability for correct accounting and billing.

Number  
portability  
clearinghouse  
obligations

8.-(1) The number portability shall be carried out through the number portability clearinghouse database ensuring the possibility to receive information about any subscriber number, which is necessary to direct the information being communicated to the networks of licensees.

(2) The number portability process shall be carried out by means of the number portability clearinghouse processes engine ensuring proper inter-operator processes necessary to initiate, reject, accept, complete and terminate porting of numbers between licensees.

(3) The number portability clearinghouse administrator shall operate independently from licensees operating in the United Republic and shall not, by all economical and legal connections, be related to them.

(4) The number portability clearinghouse administrator shall be issued a licence by the Authority to provide administration services in accordance with the procedures set by the Authority.

(5) The number portability clearinghouse administrator shall remit on quarterly basis, to the Authority information of ported numbers used by specific licensees.

(6) The number portability clearinghouse administrator shall establish technical requirements for the use of the number portability clearinghouse, in compliance to international standards, specifications and recommendations.

(7) The number portability clearinghouse administrator shall publish on its website the financial, technical and administration conditions on using the number portability clearinghouse.

Licensee's obligations on number portability

9.-(1) A licensee operating in the United Republic shall on its own account not later than 31<sup>st</sup> December 2012, make all necessary technical changes to its networks so as to facilitate number portability.

(2) A licensee shall inform the number portability clearinghouse Administrator about the newly assigned subscriber numbers.

(3) A licensee shall not use porting data or records relating to 'lost' subscribers for marketing purposes during or after the porting processes.

Charges to cover the number portability clearing house administration

10. The number portability clearinghouse administrator shall provide the Administration Services to licensees subject to fees set hereinafter:

- (a) a licensee with assigned numbering resources shall pay fees to the number portability clearinghouse administrator in proportion to the numbering resources assigned to him;
- (b) the rate of fees payable by the licensee shall be determined by the Authority.

Costs for porting numbers

11.-(1) A licensee originating traffic shall bear its own additional costs of conveying calls for ported numbers to the recipient.

(2) A donor shall not recover any costs related to mobile number portability from the recipient.

(3) A recipient shall not recover any costs related to mobile number portability from the porting mobile subscriber.

(4) A recipient shall not recover any costs related to mobile number portability from the donor.

(5) A donor shall not recover any costs related to mobile number portability from the porting mobile subscriber.

PART IV  
GENERAL PROVISIONS

Quality of  
Services

12.-(1) A licensee shall ensure that any service passing through its network is delivered at the level of quality prescribed in the Quality of Service Regulations.

(2) A licensee shall ensure that number portability complies with the prescribed quality of service parameters.

Non-  
discriminatory  
treatment

13.-(1) A recipient shall not provide services on any less favorable terms than those it affords to subscribers of its own, its subsidiaries, affiliates, or other similarly situated network or licensee.

(2) A licensee committing a fraudulent port shall bear all the costs for reversing the port.

(3) Notwithstanding the provision of sub regulation (8), a person who commits fraudulent porting commits an offence under these Regulations and shall on conviction, be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding Tanzania shillings five hundred thousand or to both.

Dispute  
Resolution

14.-(1) In case of any dispute on number portability, the Authority may require the petitioning party and the responding party to provide such information as may be necessary for the Authority to determine the matter.

(2) Where any party refuses or fails to provide the information required by the Authority within the time prescribed, the Authority may proceed to resolve such issues on the basis of the best information available.

(3) In resolving any dispute on number portability, the Authority may-

(a) impose appropriate conditions on implementation

of the terms and conditions by the parties to the agreement; and

(b) ensure that such resolution and conditions meet the requirements of the Act and these Regulations.

(4) Any person aggrieved by decision of the Authority in any matter relating to number portability may appeal in the manner of appeals against decisions of the Authority as prescribed in the Act.

Penalties

15. Any person who contravenes any provision of these Regulations commits an offence and shall be liable, on conviction, to a fine not less than five million shillings or to imprisonment for a term not exceeding three months or to both.

Dar es Salaam  
29<sup>th</sup> November, 2011

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*Minister for Communication,  
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