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**Contents**

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
<b>GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS</b>			
<b>Independent Communications Authority of South Africa/ Onafhanklike Kommunikasie-owerheid van Suid-Afrika</b>			
965	Independent Communications Authority of South Africa Act, 2000: Notice of intention to conduct an inquiry into number portability regulations.....	40232	4

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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

NO. 965

26 AUGUST 2016

**Independent Communications Authority of South Africa****NOTICE OF INTENTION TO CONDUCT AN INQUIRY INTO NUMBER  
PORTABILITY REGULATIONS**

- 1.1. The Independent Communications Authority of South Africa (“the Authority/ ICASA”) hereby gives notice, in terms of section 4B (2) of the Independent Communications Authority of South Africa Act, 2000 (ICASA Act), that it intends to conduct an inquiry into the number portability regulations.
- 1.2. The purpose of this enquiry is to determine the strength and weaknesses of the current number porting, and to determine if there are regulatory gaps arising from the market and legislative developments.
- 1.3. In 2006, the Number Portability Regulations (“the 2006 Regulations”) together with Functional Specifications for Mobile Number Portability were developed pursuant to Ministerial Policy Directions to introduce number portability from April 2005. The policy was issued in terms of section 2 read with section 5(4) (a) of the Telecommunications Act, 1996 (now repealed).
- 1.4. At the time of the promulgation of the 2006 Regulations, there were only two fixed line operators and three mobile network operators.
- 1.5. Subsequent to the repeal of the Telecommunication Act in 2005, the Authority’s mandate to regulate number portability is as prescribed

under section 68 of the Electronics Communications Act, 2005 (Act No.36 of 2005), as amended("ECA").

- 1.6. Pursuant to the judgement delivered by Acting Judge Davis in the High Court case filed by Altech<sup>1</sup>, there were two (2) licensees eligible to apply for national geographic numbers and three (3) licensees eligible to apply for mobile. With the 2009 licensee conversation these numbers increased from five (5) to five hundred and two (502). These licensees are eligible to apply for all numbering as prescribed in the National Numbering Plan.
- 1.7. It is against this background that the Authority intends to conduct an enquiry into the number portability regulations.
- 1.8. The Authority hereby invites interested persons to:
  - 1.8.1 submit written representations on this inquiry by no later than 16h30 on 28 October 2016;
  - 1.8.2 The inquiry must be furnished in the format as set out in Annexure A; and
  - 1.8.3 indicate in their written representations whether they require an opportunity to make oral representations to the Authority.
- 1.9. Written representations made pursuant to this notice will be open for inspection by the public at the premises of the Authority, 164 Kathreine Street, Pinmill Farm, ICASA Library in Block D, (ICASA Head Office), during normal working hours.
- 1.10. In instances whereby there is a request for confidentiality in terms of section 4D of the ICASA Act, the person(s) making written

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<sup>1</sup> Altech Autopage Cellular (Pty) Ltd v Chairperson of the Council of the Independent Communications Authority of South Africa and Others (20002/08) [2008] ZAGPHC 268 (29 August 2008)

representations must clearly mark the appropriate sections as confidential and must furthermore provide a written explanation in terms of section 4D(1)(b) explaining why the information is confidential.

- 1.11. The Authority will respond within (14) days of receiving a request for confidentiality whether or not the request for confidentiality has been granted.
- 1.12. If the Authority determine that a request for confidentiality cannot be acceded to, the person (s), providing the information will be given an opportunity to withdraw such information.
- 1.13. All communication and clarifications in relating to the Inquiry must be directed to the Project Leader Mr Lordwill Zwane on the following addresses:

Mr Lordwill Zwane  
Project Leader

or Block A  
Pinmill Farm

ICASA

164 Katherine Street

Private Bag X10002

Sandton

Sandton

2146

Facsimile: 011 566 3664

or Telephone: 011 566 3664

Electronic mail: [Lzwane@icasa.org.za](mailto:Lzwane@icasa.org.za)

[Numberportability@icasa.org.za](mailto:Numberportability@icasa.org.za)

  
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**Ruben Mohlaloga**  
**Acting Chairperson**



Annexure A

<b>QUESTIONNAIRE: INQUIRY INTO NUMBER PORTABILITY REGULATIONS</b>	
<b>SECTION A - GENERAL</b>	
Licensee Details	
<b>Licensee Name</b>	
<b>Address</b>	
<b>Contact Person</b>	
<b>Designation</b>	
<b>Telephone</b>	
<b>Email</b>	
<b>Services Offered by Licensee (select all that are applicable):</b>	
<b>Retail</b>	
<b>Geographic</b>	
<b>Mobile</b>	
<b>Wholesale</b>	
<b>Other (Specify)</b>	

Any confidential information must be marked as such and a request for confidentiality made in terms of Section 4D of the ICASA Act	
Signature	Date:
Designation	

I, ..... hereby confirm that the information provided herein is true and correct.

Notes:
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**Mobile and Geographic Numbering Indicators**

<b>SECTION B: MOBILE NUMBER INDICATORS</b>			
Indicators	From Inception to Date	Comments	
Total Mobile Numbers Allocated			
Total Mobile Number subscriptions			
Prepaid			
Post-paid			
Mobile Numbers Ported In			
Mobile Numbers Ported Out			

<b>SECTION C: GEOGRAPHIC NUMBER INDICATORS</b>			
Indicators	From Inception to Date	Comments	
Total Geographic Numbers Allocated			

<b>SECTION C: GEOGRAPHIC NUMBER INDICATORS</b>	
Total Geographic Numbers' subscriptions	
Prepaid	
Post-paid	
Geographic Numbers Ported In	
Geographic Numbers Ported Out	

**Numbering Portability Regulations Questionnaire**

**1. Describe your company or personal involvement in number portability**


**2. Describe your company's positioning in the fixed line and/or mobile markets.**


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**3. What would you consider to be the advantages and/or disadvantages with the current number portability framework and administration thereof?**


**4. Would you consider the fees structure associated with participating in Number Portability such as cost recovery, subscription to number portability administration and charging of ports to be effective?**


5. Would you say that there is a need to review the block sizes for Number porting? Please elaborate.


6. What is the mean porting timeframe, in hours, have your subscribers experienced? Do you consider it to be reasonable? If not, please indicate what challenges have you experienced and what measures could be taken to reduce the porting timeframe.


**7. Do you think the current geographic porting at the local area code exchange promotes effective number portability? If not, please elaborate and propose alternatives if any**


**8. What other non-geographic numbers do you think should be subjected to number portability besides mobile numbers? Please elaborate**


9. Do you think the port back waiting period of two (2) months in the current number portability regulations promotes effective number portability? If not, please elaborate and propose alternatives if any


10. Which provisions of the Number Portability regulations including the functional specifications do you think should be reviewed to improve the efficiency and effectiveness of porting?


**11. Do you think the number of days it takes to port should be increased or decreased? Please elaborate and provide alternatives if any**


**12. Do you think the current recipient led porting process is effective? Please elaborate and provide alternatives if any**




**13. Do you think there should be a standard/uniform call routing mechanism? Please elaborate**


**14. Do you think the processes and procedures for resolving subscriber complaints and providing subscribers remedies are efficient? Please elaborate.**


**15. Do you think that consumers are adequately protected by the Number Portability regulations? If not, please elaborate and provide alternatives.**


**16. Please submit any other information that you believe the Authority should consider.**


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To confirm the legitimacy of purchase orders, please contact:

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Anna-Marie du Toit (012) 748-6292 ([Anna-Marie.DuToit@gpw.gov.za](mailto:Anna-Marie.DuToit@gpw.gov.za)) and

Siraj Rizvi (012) 748-6380 ([Siraj.Rizvi@gpw.gov.za](mailto:Siraj.Rizvi@gpw.gov.za))

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