



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA

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Dated the 22nd August 2013

DIRECTION

Subject: Second Amendment to the Direction no. 116-9/2009-MN dated the 10th February 2010 issued under section 13, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and read with regulation 5 and regulation 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009)

No. 116-9/2013-NSL-II ----- Whereas the Telecom Regulatory Authority of India [hereinafter referred to as the Authority], established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as TRAI Act), has been entrusted with discharge of certain functions, *inter alia*, to regulate the telecommunication services, protect the interests of consumers of the telecom sector, ensure technical compatibility and effective inter-connection between different service providers, lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect the interest of the consumers of telecommunications service;

2. And whereas the Authority, in exercise of the powers conferred by section 36, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1), of section 11 of the TRAI Act, made the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) (hereinafter referred to as regulations);

3. And whereas regulation 5 of the regulations provides that every Access Provider shall, within sixty days from the date of coming into force of the regulations, set up, in its mobile network, a mechanism for the purpose of --

(a) receiving Short Message Service (SMS) messages from its subscribers requesting for a unique porting code;

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- (b) allocating a unique porting code for each such request and communicating it to the subscriber forthwith through Short Message Service (SMS) message through an automated process; and
- (c) retaining such unique porting number on its records for the purpose of verification of the porting request of such subscriber to be received eventually by it from the Mobile Number Portability Service provider;

4. And whereas the Authority made the Telecommunication Mobile Number Portability (Fifth Amendment) Regulations, 2013 (9 of 2013). As per the proviso of regulation 5 as amended

“the Access Provider shall-----

- (a) identify and allot a distinct identification code to all the corporate mobile numbers available in its subscriber data base; and
- (b) in case of a request for simultaneous porting of more than one corporate mobile numbers, allocate separate unique porting code for each corporate mobile number.”

5. And whereas as per the above said provisos and to distinctly identify UPC of the corporate mobile numbers, separate format is required to be specified for generation of UPC for corporate mobile numbers;

6. And whereas the Authority, vide its Direction dated the 10th February, 2010, which was amended by the amendment direction dated the 21st Jan 2011, specified the format of Unique Porting Code (UPC) and its validity period;

7. And whereas para 8 (ii) of the direction dated 10th February, 2010, referred to in the preceding para, provides that the Unique Porting Code allocated to a subscriber shall be valid for a period of fifteen days from the date of request or till the number is ported out, whichever is earlier, for all service areas except Jammu & Kashmir, Assam, and North East licensed areas where the validity for the Unique Porting Code allocated to a subscriber shall be valid for a period of thirty days from the date of request or till such time the number is ported out, whichever is earlier, irrespective of number of requests the subscriber makes;

8. And whereas the Authority noted that the validity period of UPC specified in the direction dated the 10th February 2010 is being differently interpreted by the service providers and in certain cases service providers have rejected

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porting requests of the subscriber, which was received by the service provider on the last day of the validity period of UPC;

9. And whereas the Authority is of the view that rejection of porting request by the service provider, as mentioned in para 8 above, is not in conformity with the provisions of the direction dated the 10th February 2010;

10. And whereas regulation 18 of the regulations provides that without prejudice to any of the provisions of the Act, or any other regulations made under the Act or directions issued there under, the Authority may, from time to time, issue such directions as it may deem fit to the service providers on any aspect of Mobile Number Portability for which provisions have been made in these regulations;

11. Now, therefore, the Authority, in exercise of the powers conferred by section 13, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), and regulation 5 and regulation 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), for ensuring compliance with the terms and conditions of the licence and for protecting the interest of the consumers of the telecom sector hereby makes the following amendment to the Direction No. 116-9/2009-MN dated the 10th February 2010, namely:-

(a) in para 8 of the direction,-----

(i) in sub-para (i), the following proviso shall be inserted, namely:-

“Provided that in case of corporate mobile number, the first character of eight character Unique Porting Code shall be “C” followed by two alphabets denoting service provider code and service area code and the remaining five characters shall be numeric containing digit from 1 to 9;”

(ii) for sub-para (ii), the following sub-para shall be substituted, namely :-

“(ii) the Unique Porting Code allocated to a subscriber shall be valid for a period of fifteen days from the date of first request made by the subscriber, irrespective of the number of requests made by the subscriber for the porting of the same mobile number, or till the date of porting, whichever is earlier:

Provided that in Jammu and Kashmir, Assam and North East service areas, the validity period of the Unique Porting Code shall be

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thirty days from the date of first request made by the subscriber, irrespective of the number of requests made by the subscriber for the porting of the same mobile number, or till the date of porting, whichever is earlier;

Provided further that the validity period of fifteen days or thirty days, as the case may be, shall be counted ignoring the day on which the request is made by the subscriber (for example if a subscriber makes request for Unique Porting Code on the 1st day of the month at 11:00 hours, the Unique Porting Code shall remain valid till 24:00 hours on the 16th day of the month or 31st day of the month as the case may be); and”

12. The amendment to sub-para (i) of para 8 of the direction contained in para 11(a)(i) of this direction shall come into force from 21st Oct 2013 and sub-para (ii) of the para 8 of the direction substituted by this direction shall come into force 7 days from the date of issues of this direction. The service provider shall furnish the compliance report within seven days from the date of implementation of this direction.


(Sanjeev Banzal) 22/8/13

Advisor (Networks, Spectrum and Licensing)

To,

All the CMTS & UASL