



## **REGULATIONS GOVERNING NUMBER PORTABILITY (2004)**

These Regulations are developed by Communications Commission of Kenya in accordance with the Kenya Communications Act of 1998 (hereinafter referred to as "Act").

### **1. GENERAL PROVISIONS**

#### **1.1. SCOPE**

These regulations and specifications are applicable to Operator Number Portability for public fixed and mobile telephone networks Operators in Kenya:

- With responsibility to route telephone traffic to numbers of the National Numbering Resource;
- That have been allocated numbers within the National Numbering Resource, and who then re-allocate the resource to its end-users as a secondary allocation and thus able to be ported;
- That receive ported numbers from other Operators;

#### **1.2. DATE OF COMMENCEMENT**

- The date of commencement of Mobile Number Portability in Kenya shall be July 1, 2005 while that for fixed telecommunications operators is 1st July 2006 or the commencement of operational Database whichever is earlier. This directive is given pursuant to the Kenya Communication Act of 1998, the current Kenya communication regulations and relevant license conditions applicable to fixed and Mobile operators.
- The Commission may adjust the dates of application prescribed in the preceding paragraph when it is found reasonably practical after representation or written submissions from those affected.
- The technical solution will be by Centralized Database query on release method.

#### **1.3. INTENTIONS OF THIS REGULATIONS**

These regulations are intended to enhance the level of competition in the Communication sector and let the consumers of the service have a wider choice and reap the benefits that accrue from technological developments and innovations. It is also intended to reduce the inertia that ties customers from changing service providers.

#### **1.4. DEFINITIONS OF COMMON TERMS**

**Centralized Number Portability Databases:**

It refers to the Databases administered by the Number Portability Databases Administrator where all data of Ported Subscribers, and other necessary information for the Operators to query, exchange, store and backup the interactive procedures for Number Portability or data management.

**Churn rate:**

The number of subscribers who discontinue a service during a specified time period divided by the average total number of subscribers over that same time period.

**Communications Operators:**

These refer to persons who have been granted the license by Communications Commission of Kenya (hereinafter referred to as "the Commission) to operation Communications business in Kenya .

**Directory Number:**

The telephone number that is dialed by a calling party to reach the called party. If the called party is a Subscriber who has been ported from the Donor Network to the Recipient Network, this is the same as the Ported Number.

**Donor Operator:**

It refers to the Operator whose Subscriber has been ported out to another operator in the provision of Number Portability.

**Number Portability:**

This refers to a telecommunication feature that enables subscribers to retain their existing telephone numbers, when changing their geographic locations, network operators or service types.

**Originating Network:**

The network from which a call is originated to a ported subscriber.

Ported Subscribers:

Refers to the Subscribers who retain their existing telephone numbers when changing Communications Operators.

**Ported Subscriber Databases:**

It refers to the databases that are constructed by the Operators for exchanging and storing the routing information of Ported Subscribers.

**Recipient Operator:**

This refers to the Operator who has gained the Ported Subscriber in the provision of Number Portability.

**Subscribers**

Refers the persons who enter into contracts with Operators and use the Communications services provided by Communications Operators.

**Telephone Number:**

The unique network address that is assigned to a telephone user, i.e., subscriber, for routing telephone calls

**Transit Network:**

The network that is involved in carrying a call between the originating network and the terminating network but which is neither the originating nor terminating Network.

**Terminating Network:**

The network to which called number is connected.

**2. OPERATIONAL GUIDELINES OF NUMBER PORTABILITY FOR OPERATORS, GEOGRAPHIC AREAS AND SERVICES.**

2.1. The regulations cover Number Portability issues between Operators, geographical locations and services.

2.2. The Operators shall provide their subscribers with Number Portability for all telephone numbers.

**2.3. Accessibility and Competition**

Network Operators shall provide Number Portability on a reciprocal, non-discriminatory basis to all applicants, and

shall be in conformity with the principle of impartiality and reasonableness to all those eligible unless there is a violation as provided for in item 4.1.4.

2.4. The Donor Operator shall not refuse the request of the Recipient Operator pursuant of the provision of services to the Ported Subscribers.

2.5. When a Ported Subscriber ceases to use his or her existing telephone number, the Recipient Operator shall return that telephone number to the original service provider assigned to it within seven days or announcement service put on the service has been terminated. If the original service provider assigned that telephone number has stopped its business operation or that telephone number is no longer held by any Operator, that telephone number shall be returned to the Commission.

The term "cease to use" as referred to in the preceding paragraph does not include the case where the telephone number is inherited, or a new company continues to use its forerunner's telephone number after consolidation or merger.

Unless a Ported Subscriber ceases to use his or her existing telephone number, the Donor Operator shall not reassign that telephone number to another Subscriber.