

NOTICE

DETERMINATION 2016/01

IMPLEMENTATION OF NUMBER PORTABILITY IN TRINIDAD AND TOBAGO

WHEREAS:

A. By Determination 2014/01 ("**Determination 2014/01**") the Authority declared as follows:

"DECLARATION OF COMMENCEMENT DATE FOR IMPLEMENTATION OF NUMBER PORTABILITY IN TRINIDAD AND TOBAGO

- (i) *The date by which mobile to mobile number portability service is to commence shall be no later than **26th February 2015** and all operators who are so required shall comply namely: Digicel (Trinidad and Tobago) Limited, Telecommunications Services of Trinidad and Tobago;*
- (ii) *The date by which fixed to fixed number portability service is to commence shall be no later than **1st May 2015** and all operators who are so required shall comply namely: Columbus Communications Trinidad Limited, Telecommunications Services of Trinidad and Tobago, Lisa Telecommunications, Open Telecom and Three Sixty Communications."*

B. By Determination 2015/01 the Authority further declared:

"1. DECLARATION OF COMMENCEMENT DATE FOR IMPLEMENTATION OF NUMBER PORTABILITY IN TRINIDAD AND TOBAGO

- (i) *The date by which operators shall commence testing for mobile to mobile number portability service shall be no later than **1st February 2016** with completion of implementation and launch of service of mobile to mobile number portability no later than **March 31st, 2016** and **ALL OPERATORS** who are so required shall comply namely: Digicel (Trinidad and Tobago) Limited, Telecommunications Services of Trinidad and Tobago Limited; and*
- (ii) *The date by which operators shall commence testing of fixed to fixed (automatic) number portability shall be no later than **July 31st 2016** with completion of implementation and launch of service of fixed to fixed (automatic) number portability service no later than **September 30th, 2016** and **ALL OPERATORS** who are so required shall comply namely: Columbus Communications Trinidad Limited, Telecommunications Services of Trinidad and Tobago Limited, Lisa Telecommunications Limited, Open Telecom Limited and Massy Communications Limited (formerly Three Sixty Communications).*

2. DECLARATION OF END OF EXERCISE OF SECTION 80 POWERS AS REGARDS NON-COMPLIANCE WITH DETERMINATION ISSUED PURSUANT TO SECTION 25(2)(J)

*The Authority hereby acknowledges that it has been exercising forbearance as regards implementation and launch of service provider number portability in Trinidad and Tobago pursuant to **section 80** of the Act and hereby declares that it shall cease forthwith to exercise such forbearance on **March 31st 2016** in respect of the*

implementation and launch of service of mobile to mobile number portability and September 30th, 2016 in respect of the implementation and launch of service of fixed to fixed number portability, on non-compliance by operators subject to this DETERMINATION.

- C. Since the issuance of **Determination 2014/01** and **Determination 2015/01** the Authority has engaged in consultations with the Operators who are required to implement number portability, namely ***Digicel (Trinidad and Tobago) Limited, Telecommunications Services of Trinidad and Tobago, Columbus Communications Trinidad Limited, Telecommunications Services of Trinidad and Tobago, Lisa Telecommunications, Open Telecom and Massy Communications Limited (formerly Three Sixty Communications)*** and has obtained current information from these Operators as to their respective state of readiness for implementation of same;
- D. The Authority has facilitated, in consultation with the Operators, the drafting and execution of a Memorandum of Agreement amongst the Operators and Authority which sets out the respective obligations of the Operators and Authority in the implementation of number portability;
- E. The Authority has facilitated the procurement of a suitable supplier, ***Porting XS, B.V.*** (“the **Supplier**”) by the issuance of a Request for Proposals on behalf of the Operators. The Operators via letter of award dated October 10th, 2014 have appointed the Supplier to implement a cost effective centralised solution for the provisioning of mobile to mobile number portability and fixed to fixed number portability and to provide certain services to the Operators in connection therewith and have jointly executed an agreement with the Supplier on 16th February 2016;
- F. The Authority, by contract dated 18th February 2015 engaged the services of a Consultant, ***Tachyon Consultores, SAS*** to assist in the conduct of an analysis of the costs likely to be incurred by the Operators in the implementation of mobile to mobile number portability and fixed to fixed number portability so as to guide the Authority’s approach as outlined in its final consultative document “***The Implementation Plan on Number Portability for the Republic of Trinidad and Tobago***” published on 20th September 2012;
- G. The Authority, by contract dated 20th July 2016 further requested ***Tachyon Consultores, SAS*** to confirm the technical readiness of Operators for the launch of mobile to mobile number portability and fixed to fixed number portability for Trinidad and Tobago to so as guide the Authority in its final assessment of the date by which Operators should “go-live” for mobile to mobile number portability and fixed to fixed number portability; and

- H. The Authority at a Special Meeting held on 1st September 2016 and further at its 130th Meeting of the Board held on Wednesday 28th September 2016, considered all the information as to technical readiness received from the Operators and from its Consultant, **Tachyon Consultores, SAS**, the status of the execution of the relevant legal documents and, in that regard and in light of its mandate contained in **section 25(2)(j)** of the Act;

NOW THEREFORE, THE AUTHORITY HEREBY RESCINDS DETERMINATION 2015/01 AND, FOR THE REASONS SET OUT IN THE EXPLANATORY STATEMENT ABOVE, MAKES THE FOLLOWING FINAL DETERMINATION:

1. DECLARATION OF COMMENCEMENT DATE FOR IMPLEMENTATION OF MOBILE TO MOBILE NUMBER PORTABILITY IN TRINIDAD AND TOBAGO

The date by which Operators shall implement mobile to mobile number portability, namely the “go-live” date shall be **October 31st, 2016** and all Operators who are so required shall comply.

2. DECLARATION OF COMMENCEMENT DATE FOR IMPLEMENTATION OF FIXED TO FIXED NUMBER PORTABILITY IN TRINIDAD AND TOBAGO

The date by which Operators shall implement fixed to fixed number portability, namely the “go-live” date shall be **November 28th, 2016** and all Operators who are so required shall comply.

3. DECLARATION OF END OF EXERCISE OF SECTION 80 POWERS AS REGARDS NON-COMPLIANCE WITH DETERMINATION ISSUED PURSUANT TO SECTION 25(2)(J)

The Authority hereby acknowledges that it has been exercising considerable forbearance as regards the implementation and launch of service provider number portability in Trinidad and Tobago pursuant to **section 80** of the Act and recognizes that it has continued to reasonably forbear to allow Operators to come into compliance with **Determination 2014/01** and **Determination 2015/01**. The Authority hereby declares that it shall cease forthwith to exercise such forbearance on non-compliance by operators subject to this DETERMINATION.

4. BINDING NATURE AND EFFECTIVE DATE

- (i) This Determination is binding upon all Operators so required by the Authority to implement number portability pursuant to **section 25(2)(j)** of the Act **AND SHALL NOT BE AMENDED, REPEALED OR RESCINDED.**
- (ii) This Determination shall take effect on the day that it is published.


- (iii) Non-compliance with this **Determination 2016/01** will result in the Authority's commencement of enforcement proceedings against the Operator in accordance with the Telecommunications Act, Chap. 47:31.

5. EXEMPTION FROM DETERMINATION

This Determination shall not be applicable to any operator who at the date of publication of this Determination did not hold an executed authorisation for either fixed or mobile services. Any operator who obtains an authorisation subsequent to such date shall be subject to the terms of the authorisation and/or the direction of the Authority issued pursuant to **section 25(2)(j)** of the Act and the Telecommunications (Interconnection) Regulations 2006.

6. INTERPRETATION

- (i) "**Act**" means the Telecommunications Act, Chap. 47:31 of the laws of the Republic of Trinidad and Tobago and any amendments thereto.
- (ii) "**Authority**" means the Telecommunications Authority of Trinidad and Tobago established by the Act.
- (iii) "**Authorisation**" means the authorisation to conduct a service subject to number portability, pursuant to the Act or any amendments thereto.
- (iv) "**Go Live Date**" means the date determined by the Authority for the launch of commercial service for service provider number portability in the Trinidad and Tobago.
- (v) "**Interconnection Regulations**" means the Telecommunications (Interconnection) Regulations 2006 and any amendments thereto, made pursuant to the Act.



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Gilbert Peterson, S.C.
Chairman
Telecommunications Authority
of Trinidad and Tobago

Dated this 4th day of October, 2016