

**GENERAL NOTICE****NOTICE 975 OF 2005****DEPARTMENT OF COMMUNICATIONS****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA  
REGULATIONS ON CARRIER PRE-SELECTION**

The Minister of Communications has under section 96(6) of the Telecommunication Act, 1996 (Act No. 103 of 1996) approved the regulations in the Schedule made by the Independent Communications Authority of South Africa under sections 9C and 96 of the said Act.

**SCHEDULE****Definitions**

1. In these regulations any word or expression to which a meaning has been assigned by the Telecommunications Act, 1996 (Act No 103 of 1996), shall bear the meaning so assigned unless the context otherwise indicates –

*'access code'* means a short number prefix or code of not less than three digits that identifies an operator selected by the subscriber to carry the call;

*'call origination'* means that segment of a call made under CPS Phase 1 or CPS Phase 2 from the subscriber's end of the exchange line to the point of interconnection;

*'call supplement'* a surcharge charged to the subscriber by the providing operator, determined by a cost recovery mechanism for the initial set-up costs of CPS only;

*'call termination'* means that segment of a call from the point of interconnection to the called subscriber's end of the called subscriber's exchange line;

*'carrier pre-selection code'* means an access code added by the providing operator under CPS Phase 2;

*'carrier selection code'* means an access code added by the subscriber or his/her customer premises equipment under CPS Phase 1;

*'controlled call'* Calls made to an operator to access its own network services like directory services or its call centre.

*'CPS Phase 1'* means the process whereby a subscriber may access an operator other than its providing operator or an operator that it has selected under CPS Phase 2 on a call-by-call basis by adding a short access code to the front of a dialled number; irrespective of whether the access code is added either manually by the subscriber during the dialling process or automatically by customer premises equipment such as an auto-dialler;

*'CPS Phase 2'* means the process whereby a subscriber may designate its choices of selected operator, or operators as the case may be, to provide its telecommunication services with the choice being effected by the network of the providing operator and not the subscriber;

*'eligible subscriber'* means a subscriber who is eligible to use CPS Phase 1 and CPS Phase 2, and whose account is not suspended and who is not in a category listed in an Annexure published by the Authority;

*'functional specification'* means the minimum technical characteristics and other principles which operators must adhere to and which are intended to effect the efficient implementation of CPS Phase 1 and CPS Phase 2;

*'national numbering plan'* means the numbering plan prescribed in section 89 of the Act.

*'ordering system specification'* means a detailed specification of the procedures for ordering CPS Phase 2 by a subscriber, and the subsequent interactions between the operators including the procedures for handling errors and unauthorised orders;

*'providing operator'* means an operator obliged to provide CPS Phase 1 or CPS Phase 2 to one or more operators;

*'requesting operator'* means an operator licensed to provide telecommunications services that may be accessed by CPS Phase 1 or CPS Phase 2 and who requests CPS Phase 1 or CPS Phase 2 from a providing operator;

*'selected operator'* means a telecommunications operator who is licensed to provide services that may be accessed by CPS Phase 1 or CPS Phase 2 and is selected by a subscriber for a given call;

*'slamming'* means the practice of switching a subscriber's selected operator without the subscriber's knowledge or consent, or after obtaining consent but based upon a misrepresentation or deceptive practices by the operator, a third party verifier, or any other agents or representatives of the operator;

*'subscriber'* means any person or entity that is a party to a contract or other similar arrangement that is in force with a providing operator for the supply of telecommunications services, including any caller who makes or clears calls that are the subject of such a contract or arrangement;

*'the Act'* means the Telecommunications Act, 1996 (Act No. 103 of 1996);

*'winback'* means a providing operator contacting subscribers to offer discounts, free services or other inducements in order to convince those subscribers not to change operators or to revert back to their original operator In the first two months after requesting CPS Phase 1 or CPS Phase 2 but does not include offers made in general to subscribers by means other than in person or by telephone.

**Requirements to provide CPS Phase 1**

2(1) All providing operators shall establish in respect of number ranges listed in an Annexure published by the Authority the facilities to enable all their Eligible subscribers to access a selected operator by means of CPS Phase 1 within 2 (two) months of receiving a request in writing for the establishment of such a facility from an operator licensed or otherwise authorised to provide telecommunications by CPS Phase 1. The facilities include:

- (a) the establishment of interconnection for call origination;
- (b) the means to interpret access codes and route calls to the relevant interconnection points.

(2) The implementation of CPS Phase I shall conform to a functional specification to be developed, maintained, published and enforced by the Authority in consultation with the providing operators and prospective requesting operators.

(3) Mobile cellular service operators shall interconnect to allow their subscribers access to the national long distance and international services of other operators.

**Requirements to provide CPS Phase 2**

3(1) (a) All providing operators shall establish in respect of number ranges listed in an annexure published by the Authority the facilities to enable all their eligible subscribers to access a selected operator by means of CPS Phase 2 within 10 months of receiving a request in writing for the establishment of such a facility from a requesting operator.

(b) The 10 month period contemplated in paragraph (a) shall include time for testing and validation.

(2) A request contemplated in sub regulation (1) may be made only after the functional specification and ordering system specification have been approved and published by the Authority.

(3) The facilities referred to in sub regulation (1) includes, but are not limited to -

- a) the inter-operator procedures for ordering CPS Phase 2 for individual subscribers in accordance with the functional specification and ordering system specification;
- b) the establishment of interconnection for call origination;
- c) the means to add access codes to the calls made by the subscriber and to route these calls to the relevant interconnection points;

- d) the ability for subscribers to pre-select the same or different operators for national and international calls and to change or cancel these selections, subject to the exclusions listed in an annexure published by the Authority; and
- e) the ability of subscribers to over ride their pre-selections by adding a carrier selection code on a call-by-call basis, which selection code may identify the providing operator or any operator who offers service by CPS Phase 1.

(4)(a) All providing operators shall upon request of a requesting operator send written notice to all their eligible subscribers that CPS Phase 2 access is available from the requesting operator.

(b) Such written notices contemplated in paragraph (a) may be sent in conjunction with a bill and shall be sent within four months of receiving the request for the notices to be sent.

(c) The Authority shall approve a pro-forma notice which shall indicate –

(i) where orders for the services of requesting operators for CPS Phase 2 services may be placed; and

(ii) where further information may be obtained.

(d) The text of the notices contemplated in paragraph (a) shall not include comments on the services offered by the requesting operator.

(e) each requesting operator may request the notices contemplated in this regulation to be sent no more than once.

(5) The implementation of CPS Phase 2 shall conform to a functional specification to be developed, published and maintained by the Authority in consultation with all providing operators and all prospective requesting operators.

(6) The ordering system for handling orders for CPS Phase 2 from a subscriber of a providing operator shall –

(a) conform to an ordering system specification to be prepared by all providing operators and all prospective requesting operators before the CPS Phase 2 may be formally requested; and

(b) provide for handling by additional providing operators and requesting operators.

(7) The operators shall use their utmost endeavours to complete the ordering system specification within three months of the promulgation of these regulations and the completed ordering system specification shall be lodged with the Authority for approval.

#### **Payment between operators**

4(1) The requesting operator shall pay the providing operator –

(a) a CPS Phase 2 order charge to be specified by the providing operator from the set-up costs eligible for recovery;

(b) a data amendment charge per exchange affected for the means to interpret access codes and route calls to the relevant interconnection points;

- (c) a per-operator order charge when placing an order for CPS Phase 2 and subsequently an annual per-operator charge;
- (d) per-subscriber order charges or per-subscriber change charges for CPS Phase 2 and
- (e) charges for call origination under CPS Phase 1 and CPS Phase 2 at a rate that is higher than the corresponding call termination charges by a percentage.

(2) No other charges shall be payable between the operators for CPS Phase 1 or CPS Phase 2 without the approval of the Authority.

#### **Payments by subscribers**

5(1) The providing operator shall not charge the subscriber for calls that are handled by CPS Phase 1 or CPS Phase 2; or for any request for CPS Phase 2 or any change to the pre-selection arrangements.

(2) The providing operator may charge all eligible subscribers a call supplement in accordance with the cost recovery for the initial set-up cost which refers to the costs of initiating the call.

(3) Nothing in these regulations shall be interpreted to prohibit the requesting operator from offering a subscriber an inducement to change service providers having due regard to fair competition principles.

#### **Cost recovery for initial set-up cost**

6(1) A providing operator that provides CPS Phase 1 and whose retail prices are controlled by regulation may apply to the Authority to have the reasonable set-up costs of CPS Phase 1 taken into account in the next revision of their price control.

(2) A providing operator that provides CPS Phase 2 and whose retail prices are controlled by regulation, may propose to the Authority a method of cost recovery for the initial set-up costs of CPS Phase 2 based on either -

- (a) an adjustment to the price control regulation; or
- (b) a call supplement applied for an established period to recover the initial set-up costs of CPS Phase 2. This call supplement applies to calls referred to in annexure A. All eligible subscribers who make these calls would be charged a call supplement irrespective of whether they use CPS 1 or CPS 2.

(3) The Authority may revise the cost recovery provisions in sub regulations (1) and (2) if the tariff arrangements for a significant proportion of calls change.

**Service and other requirements**

7(1) The requesting or providing operator shall not order CPS Phase 2 or change any CPS Phase 2 arrangements for any subscriber unless it has received a request from the said subscriber and shall not engage in slamming or winback.

(2) All providing operators shall report to the Authority their performance against a list of quality of service parameters identified and published by the Authority in an annexure, specifying the frequency of reporting.

(3)(a) All providing operators shall comply with a code of practice to be published and enforced by the Authority after consultation with the operators.

(b) The code of practice contemplated in paragraph (a) shall relate to marketing and sales practices and communications with subscribers who request CPS Phase 2.

(4) Except where otherwise indicated, disputes relating to CPS Phase 1 and CPS Phase 2 shall be dealt with taking into account the arrangements for interconnection.

(5) Where a providing operator fails to effect CPS 1 or CPS 2 within the timescales specified in regulations 2 and 3, the requesting operator may apply to the Authority for alternative technical arrangements to be provided and the providing operator shall provide the arrangements that the Authority shall determine without charge to the requesting operator.

**Annexures**

8(1) The number ranges to which CPS Phase 1 and CPS Phase 2 apply are set in Annexure A.

(2) Subscribers who are excluded from being eligible subscribers are listed in Annexure B.

(3) Functional specifications are set out in Annexure C.

**Annexure A****Number ranges applicable to Annexure A CPS Phase 1 and CPS Phase 2**

1. All direct dialled international calls.
2. All non-international direct dialled calls, but excluding –
  - (a) all calls to short code numbers including operator services;
  - (b) all calls where the calling and called parties have numbers within the same area code or are both located within a code area that has more than one area code assigned to it; and
  - (c) all calls to free-call, shared cost, premium rate or other specially tariffed services.

**Annexure B****Subscribers excluded from being eligible subscribers**

1. Subscribers who receive a rental rebate from the providing operator as part of a public tariff scheme
2. Subscribers who are being provided with a temporary service (e.g. for special events).
3. Subscribers whose main tariff does not include full line rental.
4. Subscribers with payphone lines
5. All operator controlled calls are excluded from CPS Phase 1 and CPS Phase 2.

**Annexure C****Functional Specification****Introduction and Scope**

1. This functional specification specifies the top-level requirements for Carrier Pre-Selection (CPS Phase 1 and CPS Phase 2).
2. This functional specification applies to both requesting and providing operators and the inter-operator ordering system. The Telecommunications Act and the CPS Regulations define which operators are required to provide CPS Phase 1 and CPS Phase 2.

**Customer Options**

3. Providing operators shall enable eligible subscribers to choose to use CPS Phase 1 and CPS Phase 2 for one or both of the following classes of calls:
  - a. Direct dialled international telecommunication services being all calls dialled with an international prefix currently in use; or
  - b. Direct dialled national telecommunication services but excluding the services listed in Annexure A.
4. Eligible subscribers are all subscribers whose accounts are not suspended excluding -
  - (a) subscribers who receive a rental rebate from the providing operator as part of a public tariff scheme;
  - (b) subscribers who are being provided with a temporary service (for example for special events);
  - (c) subscribers whose main tariff does not include rental; and
  - (d) subscribers with payphone lines.



5. Where CPS Phase 2 is provided, the subscriber shall be able to select the same or a different operator for each of these classes of calls.
6. Providing operators shall design their systems to be able to support the choice by subscribers of two additional classes of calls and the selection of different operators for each class of call.
7. The requirements for CPS Phase I and CPS Phase 2 do not apply to operator controlled calls.

***System capacity***

8. Providing carriers defined in the Regulation for the implementation of carrier pre-selection and carrier selection, promulgated by Government Notice R1281 of 15 July 2004 shall design their systems so that each switch is able to support at least 50 requesting operators under CPS Phase I and at least 20 requesting operators under CPS Phase 2.

***Routing for CPS Phase 1***

9. Where a carrier selection code assigned in accordance with the National numbering plan to identify another operator is prefixed to the called party number on the subscriber side of the network termination point, the providing operator shall route the call to a point of interconnection agreed with the operator identified by the carrier selection code. The providing operator shall not charge the subscriber for this call.

10. Where no code is prefixed to the called party number, or where any code prefixed is not assigned in accordance with the national numbering plan, or where the carrier selection code identifies the providing operator, the providing operator shall be responsible for the routing of the call and may charge the subscriber accordingly.

***Routing for CPS Phase 2***

11. Where a subscriber has elected to have calls of a particular class routed by CPS Phase 2, the providing carrier shall prefix the called party number with the relevant carrier pre-selection code and shall route the call to a point of interconnection agreed with the operator who has been pre-selected for that class of calls. The providing operator shall not charge the subscriber for this call.

12. Where a carrier selection code assigned in accordance with the national numbering plan to an operator other than the providing operator is prefixed to the called party number on the subscriber side of the network termination point for a call of a class for which the subscriber has elected to use CPS Phase 2, the providing operator shall route the call to a point of interconnection agreed with the operator identified by the carrier selection code. The providing operator shall not charge the subscriber for this call.

13. Where any code prefixed is not assigned in accordance with the national numbering plan, or where the carrier selection code prefixed identifies the providing operator, the providing operator shall be responsible for the routing of the call and may charge the subscriber accordingly.

14. Where a call of a class for which the subscriber has requested CPS Phase 2 is dialled using the 7-digit local dialling format, the originating operator will insert the leading zero and area code between the carrier pre-selection code and the dialled number to make up the 10-digit format: this provided that requirement will not be needed when all national dialling has changed to the 10-digit format.

15. The additional time delay in call set-up due to the analysis of the called party number and the addition of any carrier pre-selection code shall not exceed 200ms.

***Time limits for adding requesting operators***

16. Where an operator who is authorized to provide services by CPS Phase 1 or CPS Phase 2 requests the establishment of such services from a providing operator, the providing operator shall -

(a) in the case of CPS Phase 1, enable calls to be routed within its network to the correct interconnection point using the relevant carrier selection code or carrier pre-selection code by the date when the interconnection arrangements with the requesting operator are brought into service or within 15 calendar days of the request for CPS Phase 1, whichever is the later;

(b) in the case of CPS Phase 2, ensure that its per-subscriber ordering system is ready to take orders from the first requesting operator by the date when the interconnection arrangements with the requesting operator are brought into service or within 10 months of the request for CPS Phase 2, whichever is the later; and

(c) in the case of CPS Phase 2, ensure that its per-subscriber ordering system is ready to take orders from any requesting operator other than the first requesting operator by the date when the interconnection arrangements with the requesting operator are brought into service or within 90 calendar days of the request for CPS Phase 2, whichever is the later.

***Time limits for adding subscribers or modifying arrangements under CPS Phase 2***

17. The per-subscriber ordering system between the requesting and providing operators shall be designed so that the time between the subscriber initially requesting CPS Phase 2, or requesting a modification to its arrangements, and relevant calls starting to be routed to the relevant selected operator does not exceed seven calendar days.

18. The per-subscriber ordering system between the requesting and providing operators shall be designed so that the time between the subscriber requesting the cessation of CPS Phase 2 services and relevant calls ceasing to be routed to the selected operator does not exceed five calendar days.