

Regulatory Guidelines

for

Mobile Virtual Network Operators, Enhanced Service Providers, Service Providers and Mobile Virtual Network Enablers

February 2014

v2.0

Introduction

The objective of this document is to provide a general regulatory guidance to undertakings aspiring to offer mobile publicly available telephone services but which are dependent on access to a mobile network operator to be able to provide services. The various points found in these guidelines are compiled from a number of published decisions, directives, and legislation; and are being synthesised into one document to facilitate reference. In any event the law or related decisions take precedence over these guidelines.

In order to provide retail services, such undertakings need to obtain access to the infrastructure owned by an existing mobile network operator (MNO). This type of service provider is internationally referred to as a Mobile Virtual Network Operator (MVNO).

The MCA categorises three models for such undertakings as follows:

1. Service Provider (SP) or airtime reseller: The undertaking does not control any network element and makes use of the SIM cards of the MNO.
2. Enhanced Service Provider (ESP): The undertaking resells the services of the MNO and provides additional own services. They do not issue their own SIM cards, although they may re-brand the network operator's SIM cards.
3. Full or Extended Mobile Virtual Network Operator (MVNO): The undertaking operates a physical network infrastructure comprising of, at a minimum, a Mobile Switching Centre (MSC), a Home Location Register (HLR) and authentication centre (AUC). A full MVNO has its own International Mobile Subscriber Identity (IMSI) code, its own Network Code (MNC), issues its own SIM cards and offers its own services to end users¹.

A Mobile Virtual Network Enabler (MVNE) offers infrastructure and/or related solution services ranging from the provisioning of some network elements, administration and operations support. MVNEs often take an intermediary role between the undertaking and the host MNO.

SPs/ESPs choose to depend entirely on other entities' network infrastructure whilst they provide a tailored mobile telephony service to the end user. The MVNE is involved serving as a promoter of the SP/ESP/MVNO business; when attracting such undertakings to their business MVNEs may offer different options for what they provide in-house, and also act as a catalyst between the undertaking providing the service to the customer and the MNO. An MVNE can also provide HLR, MSC, SMSC, and MMSC and other solution services to these undertakings.

¹ For the purposes of these guidelines the term "MVNO" will refer to this category of Full or Extended Mobile Virtual Network Operators.

Guidelines

1. General Authorisations required by MVNOs, ESPs and SPs

MVNOs, and ESPs offering mobile telephony services using telephone numbers from the '7' and '9' ranges from the numbering plan directly to subscribers are required to notify the MCA that they will be operating under the terms of the general authorisation for *Publicly Available Telephone Service* (PATs).

The ESP / SP should include in the description of the service provided in the notification, an overview of the arrangement with the MNO (or through an MVNE). The Authority reserves the right to request a comfort letter, on a case-by-case basis following notification, as explained in more detail in guideline 3 below, in order to ensure that the description of the service provided in the notification is accurate and to verify that the ESP / SP fulfill its obligations at law.

Undertakings reselling airtime indirectly under agency agreements on behalf of MNOs, and which do not have ownership or full control over network equipment, would not normally be required to notify for a general authorisation . In these cases it would be the MNO that will be considered as the provider of service for all purposes, rather than the reseller.

2. Comfort Letter from MNO and/or MVNE

SPs/ESPs depend entirely on other entities' infrastructure. Accordingly, SPs/ESPs notifying as PATs may be required, on a case-by-case basis, to provide to the Authority a comfort letter from the entity hosting the MSC, attesting and guaranteeing that under a contractual agreement, the SP/ESP is in a position to comply with its obligations at law in their entirety.

These include, *inter alia*, the provision of incoming and outgoing calls on a national and international basis, interoperability and interconnection obligations, access to emergency services, legal interception, and data

retention, billing requirements and any other applicable regulatory obligations.

Responsibility for the fulfillment of these obligations must be clearly identified in the agreements between the MNO, or the MVNE depending which entity is hosting the MSC, and the SP/ESP.

3. General Authorisations required by MVNEs

Undertakings solely providing MVNE solutions shall not be required to notify as PATS if their function is solely that of an intermediary role between MNOs and SPs/ESPs. Due to different possible implementation scenarios, an MVNE may need to notify in accordance with the general authorisations regime depending on its role or infrastructure it utilises to provide the service to SPs/ESPs on a case-by-case basis.

4. Legal Intercept Obligations

All notified operators shall ensure that all Legal Intercept Obligations are satisfied. The MNO/MVNE who has ownership or full control on the switching equipment (MSC and/or HLR) on behalf of the SPs/ESPs, shall also ensure that these obligations are specified in the above mentioned comfort letter.

5. Directory services

MVNOs and SPs/ESPs shall ensure that their subscribers are entitled to be included in the comprehensive directory being provided by a designated undertaking without charge.

6. Numbering

Individual Number blocks consisting of 10,000 numbers from mobile 7 & 9 ranges shall be allocated to MVNOs and SPs/ESPs notified as PATS. All the conditions pertaining to these number ranges shall apply. Preferences for specific number blocks shall not necessarily be met by the MCA if it deems that this could result in inefficient and ineffective use of numbers.

All the number charges as per the Eleventh Schedule of the Electronic Communications Networks and Services (General) Regulations shall apply.

7. Mobile Network Codes

Full MVNOs may apply for Mobile Network Codes (MNC) from the MCA. Undertakings that run their own HLRs, including an MVNE may apply for an MNC.

8. Mobile Number Portability

All the obligations and rights applicable to mobile number portability (MNP) resulting from number portability decisions and specifications published by the Authority shall apply to all SPs/ESPs/MVNOs notified as

PATS. These include all timeframes applicable in the various stages of the ordering process and periodic reporting requirements. Each SP/ESP/MVNO allocated a numbering range is entitled to apply for a NP routing number. Where feasible a NP routing number may be shared between different undertakings.

9. SIM Cards

SIM cards which carry the *International Mobile Subscriber Number Identity* (IMSI) may be branded with an ESP/MVNO logo but shall contain the MNC of the host MNO or MVNE.