

## 5.2 GSP Responsibilities:

### 5.2.1 Customers Right to Information

The GSP must advise the Customer that:

- a) Any changes to the Port Request may impact the Porting RFS Date;
- b) Once the Port Activation Process has begun it shall be completed;
- c) A subsequent Port Request will be required to change part or all of the original Port Request; and
- d) ~~The Customer may continue to have outstanding obligations to the LSP.~~[Comment: moved to 5.2.4(d)]

### 5.2.2 Port Requests

The GSP:

- a) bears sole responsibility for ensuring that all Port Requests are valid and correct.
- b) ~~The GSP~~ bears sole responsibility for ensuring that, prior to inputting a Port Request into the Porting Process for each Number, a valid and complete Customer Authorisation has been obtained from the Customer requesting Porting of the Number.

### 5.2.3 A Customer Authorisation must contain, at a minimum, the following:

- a) the Customer's details including ~~title, name or business name and contact name and phone number of the address and (where applicable)~~ authorised representative;
- b) acknowledgement that the Customer is authorised to request Porting in respect of the Number(s) referred to ~~set out~~ in the Customer Authorisation;
- ~~e) name of the Gaining Carrier or GSP;~~[Comment: covered by 5.2.3(c)]
- ~~d) name of the Losing Carrier or LSP; ;~~[Comment: not required for a Customer Authorisation.]
- c) the Customers agreement to Port Numbers used by the Customer to the GSP to be Ported and associated Account Numbers;
- d) the date of the Customer Authorisation;
- e) the Customer's acknowledgement that they have been informed by the GSP of, and accept the information set out in clause 5.2.4; and express authorisation for the Port to take place;
- f) confirmation from the Customer that the information provided by the Customer to the GSP is true and correct.
- ~~h) the Customer's express acknowledgement that he or she has been advised by the Gaining Carrier or GSP that:~~
  - ~~(i) by Porting the Number, the service(s) associated with that Number will be disconnected from the Losing Carrier or LSP and may result in finalisation of the Customer's account for that service;~~

- ~~(ii) although the Customer has the right to port his or her Number(s), there may be costs and obligations associated with the Port, which may include early termination fees and Porting fees; and~~
- ~~(iii) by Porting the Number, any services associated with that Number other than voice calls and short messages might not be able to be supported by the Gaining Carrier or GSP. [Comment: h(i) and (iii) moved to 5.2.4(d). h(ii) covered in 5.2.4(c)]~~

#### **5.2.4 Informed Consent**

In the process of obtaining the Customer Authorisation, a GSP must inform the Customer:

- a) that the Customer is Porting a Number from their existing Service Provider to the GSP;
- b) the Customer may continue to have outstanding obligations to the LSP and it is the Customers responsibility to check the terms and conditions of its existing contracts relating to the Numbers being Ported.
- c) of any costs and obligations to the GSP associated with the Port.
- d) that:
  - (i) by Porting the Number, the service(s) associated with that Number will be disconnected from the Losing Carrier or LSP and may result in finalisation of the Customer's account for that service; and
  - (ii) by Porting the Number, any services associated with that Number other than voice calls and Short Messages Services might not be able to be supported by the Gaining Carrier or GSP.

#### **5.2.5 Customer Authorisation Validity Period**

Unless agreed otherwise with a Customer, to be valid, a Port Request must be made within Customer Authorisation shall cease to be valid at the end of thirty (30) days of the date of the Customer Authorisation the day on which it is given.

The GSP must retain all Customer Authorisations for a period of ~~one (1)~~ two (2) years following completion of the Port to which they relate and make them available for inspection on request by the Commerce Commission.

A LSP may request a copy of the Customer Authorisation to resolve a Customer complaint that the Customer Authorisation is invalid, provided such request is made within 3 months of the Port Request. The GSP must provide a copy of the relevant Customer Authorisation to the LSP within five (5) Business Days of the LSP's request, if requested by the LSP to resolve a Customer complaint disputed Port.

#### **5.2.6 Unauthorised Ports**

A Port shall be deemed to be unauthorised if the Customer Authorisation relating to the Number and Port in question:

- a) cannot be produced by the GSP on request within the specified time;
- b) is not complete and valid;
- c) is indecipherable ~~illegible~~; or
- d) unless otherwise agreed with the customer, if the Port Request was not made within 30 days of the date of the Customer Authorisation had expired at the time the Port Request was notified.

### **5.2.7 Reversal of Unauthorised Ports**

If a Port is unauthorised and the Customer wishes to return to the LSP, the LSP shall:

- a) If the Port is completed, a new Port Request should be raised, and the parties involved should Port the Number as a matter of urgency and within faster timeframes than the Service Levels which normally apply to a Port activate the Emergency Return process; or
- b) If the Port not commenced, the GSP shall withdraw the Port; or
- c) If the Port Activation has commenced but is not completed, the GSP shall fail the Port reverse the Port process

to restore the Number to the LSP.

### **5.2.8 Relinquishment [previously numbered 5.2.3. in the LMNP Terms]**

Subject to clause 4.2.4, the Service Provider must commence Ported Number Relinquishment for a Ported Number within 5 Business Days after the Billing Relationship with the relevant Customer for that Ported Number terminates.