

Broadband Migration Voluntary Code of Practice

From August 2017, participating broadband service providers agree in addition to their general obligations as communications service providers to act in accordance with the following Code of Practice when conducting a Migration (as defined below) of customers to or from their service.

Definition of Terms

Account Holder	The person or entity with contractual responsibility for the broadband service
End User	The user of the broadband connection
GSP	Gaining Service Provider*
Identity Check	Provision by End User of their fixed line telephone number
LSP	Losing Service Provider*
MAC	Migration Authorisation Code containing 10 characters, as follows: 2 characters indicating LSP, 4 characters indicating expiry date (MMDD format), 3 characters indicating unique identifier, and 1 character indicating service to be transferred (with default value 'B')
MAC Portal	Indexed page on SP's website for online request of a MAC
Migration	Transfer of a broadband Account Holder between SPs, where both SPs provide service over the same MT copper loop
MT	Manx Telecom
MTW	MT Wholesale
SP	Service Provider*
Working Day	0900 - 1700 hours, Monday to Friday (except local Bank Holidays)

**Where there is a chain of resellers such that the SP contracting with MT for the wholesale service is different from the SP contracting with the Account Holder for the retail service, the terms LSP and GSP refer to whichever party(s) in the chain is responsible or to the parties collectively as appropriate.*

Migration Authorisation

1. The Migration process cannot be initiated without prior authorisation by the LSP, and authorisation shall always be initiated by an End User or GSP request to LSP. The GSP shall only request a MAC if explicitly requested to do so by the End User. The LSP shall always issue the MAC directly to the Account Holder. The LSP is entitled to validate the status of the Account Holder before authorising the Migration of any broadband service. The GSP can only request a MAC via the LSP's MAC Portal. However, a GSP can request a MAC via email if the portal is not functioning.

2. The issuing of a MAC by the LSP is their agreement that the Account Holder is entitled to request and have Account Holder's broadband service(s) migrated to another SP. The MAC uniquely identifies to MTW the LSP and the broadband service that has been authorised for Migration.
3. The only reasons why an LSP may refuse to issue a MAC are:
 - a) The requesting End User has failed the standard Identity Check.
 - b) The broadband service contract has been terminated.
 - c) The LSP has already submitted a cease request to MTW for the broadband service.
 - d) The Account Holder is deceased.
4. For avoidance of doubt, the LSP may not refuse to issue a MAC if:
 - a) The Account Holder has not paid any charges due before the Migration date (whether service charges, disconnection charges, charges for remaining minimum term contract period or any Migration charge); such charges should be included in a final broadband service bill, which will be settled according to the terms of the contract.
 - b) The Account Holder is in bad debt but is still receiving the broadband service at the time the request is received.
 - c) The Account Holder is within a minimum term contract on the broadband service that is needed to recover a subsidy on the broadband service equipment or setup costs.
 - d) The broadband service that is to be migrated has already been suspended (e.g. for reasons of bad debt) at the time the request is received.
5. The LSP must specify how End Users or GSPs can request that an Account Holder is issued a MAC. The LSP must give End Users the option to request a MAC via email, letter, phone or MAC Portal.
6. If the End User or GSP requests a MAC via an approved method, the LSP must respond in writing to the Account Holder with the MAC, or possible reasons for its non-issue, within 2 working days of receipt of the MAC request. LSPs must respond to a MAC request by email and/or letter.
7. If a MAC is issued, its validity period will start on the date of despatch of the written Migration authorisation. The LSP must remind the Account Holder of the MAC if requested by the Account Holder. Such reminder must be via email or letter.
8. The written response (email and/or letter) to the Migration authorisation request:
 - a) must clearly indicate the MAC (or MACs), MAC validity period, MAC expiry date, and broadband service(s) to which the MAC(s) applies;

- b) may contain general wording about contract obligations, but none concerning specific circumstances of an individual Account Holder;
 - c) shall not contain any advertising, promotions, or suggestions for Account Holder to cancel the Migration or remain with LSP; and
 - d) if a MAC is refused for any broadband services, clearly specify those services, together with the possible reason(s) for refusal.
9. The MAC must be issued free of charge.
 10. SPs must specify how Account Holders can appeal against a decision not to issue a MAC. This must be through the SP's normal complaint handling process, with escalation to the Communications Commission if required.

Migration Process

11. A MAC is valid from the date that it is issued for a period of 30 calendar days, including bank holidays. The MAC validity period extends up to 23:59 on the 30th calendar day from issue.
12. When the Account Holder applies to a GSP to migrate their broadband service(s) they must supply the GSP with a valid MAC for each broadband service to be migrated. The default Migration date will be taken to be 5 working days after the submission of the Migration request to the GSP. The Account Holder may request an alternative Migration date that is later than the default date.
13. If a GSP submits a Migration request to the MTW system within the MAC validity period, MTW will process the request without any further authorisation from the LSP. If a GSP submits a Migration request to the MTW system after the MAC has expired, MTW will reject the request.
14. The request by End User or GSP to the LSP for an authorisation to migrate does not in itself represent a request to terminate service with the LSP. The LSP should not, therefore, disconnect the broadband service upon request for (or issue of) a MAC.
15. During the MAC validity period, the LSP may continue to apply its normal processes (including suspending availability of the service) to manage bad debt prior to the broadband service being migrated.
16. The request by End User or GSP to the LSP for a MAC is taken to revoke any previous notice to terminate service (except where the LSP has already submitted a cease order to MTW, in which case the MAC request will be refused). On issuing a MAC, the LSP must confirm to the Account Holder that any previous termination has been revoked, and shall ensure that any current or pending termination actions are cancelled.
17. At any time prior to the expiry of an existing MAC, the Account Holder may request the LSP for a reminder of the MAC and its expiry date. Such reminder must be via email or post. The Account Holder cannot ask the LSP to cancel an existing MAC or to reissue a new MAC while an existing MAC is still valid.

18. The Account Holder has the right to cancel or amend a Migration request to the GSP at any time prior to the Account Holder agreed date.
19. If the MAC validity period is passed without the LSP receiving notification of a Migration request, the LSP must not terminate the current subscription, unless specifically requested to do so by the Account Holder.

Marketing and External Communications

20. SPs will publicise the provisions of this Code of Practice to their End Users, including publishing an agreed text on their website.
21. SPs will ensure that all communications with Account Holders regarding difficulties that may arise from time to time in the porting process stress that all parties are working to resolve the difficulties. In particular, the LSP shall not state to Account Holders that the delay is a good reason for maintaining the existing service and cancelling the Migration.
22. SPs will not in the course of their marketing or sales activity encourage the End Users of another SP to disregard the terms of their existing contract. For the avoidance of doubt, there is no positive obligation to remind End Users of their obligations under their existing contract (though SPs may choose to do this); the prohibition is against GSPs explicitly encouraging End Users not to respect their existing contract.
23. Promotional material shall not be included in the same envelope as a MAC letter or attached to a MAC email message, and shall not be present on the MAC Portal.

Exemptions for Small Operators

24. An SP subject to this Code of Practice whose share of the retail broadband market is less than 2% is exempt from the requirement to provide a MAC Portal and from condition 20 above.

Other

25. SPs and MTW will establish a recovery process so that in the event of erroneous Migrations, Account Holders can be restored to their original SP with minimum disruption.
26. The Communications Commission may investigate any potentially undesirable practices or activities of an SP with respect to broadband Migration.