



MTNL/RA/TRAI CP-07 /2016
Dated. 30.06.2016

To,

The Advisor (Broadband & Policy Analysis)
TRAI, New Delhi

Sub. : Comments on TRAI Consultation Paper on "Free Data".

TRAI issued Consultation paper on 19.05.2016 on the aforesaid subject and asked the various stakeholders to comment on the issues involved in the consultation paper. In this reference following comments are submitted for consideration:

MTNL re-iterates its support, and implements the concept of Net-Neutrality. In our perception there should be "no discrimination/favor for any specific Content/services in terms of cost and access to subscribers, no throttling or no blocking".

As per understanding from the discussion in the consultation paper, free provision of data to consumer is considered for two reasons:

1. Promotion of Innovation
2. To enable poor people to access certain website at lower/free cost.

A. Promotion of innovation:

The content /APP provider should provide its application on the web, which should be accessible through all TSPs at the regular data plan rate, so as to be in compliance with provisions of TRAI regulation dated 08.02.2016 regarding differential tariffs for data services. As even in present circumstances, probably many TSPs are providing access to innovative content (content provider) to their subscribers at discounted rate under agreement with content provider and balancing the deficit by getting reimbursement from the content provider.

Further, it is suggested that the reward by the content provider to consumer should be directly provided to the consumer, without taking the TSP in the reward transfer channel, so as to make the transaction

transparent, and avoid/bar any possibility of agreement/understanding/arrangement/concerted action among TSP and content provider to benefit the TSP. Otherwise TSP may use the opportunity to differentiate/classify content providers according to its interests.

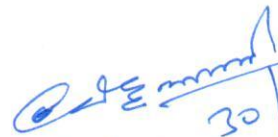
B. To enable poor people to access certain website at lower/free cost:

1. As mentioned in the consultation paper, the intent to enable the citizen of this country, specially the poor, to access certain content on the internet on free of charge basis is appreciable. It may be supported that all the citizens should have free access to the basic/necessary information available on internet. Every citizen may be presumed to have the right to free access of basic information on internet, and that right should not be deprived for his incapacity to pay for access. However, deciding the “basic content for free access” is further subjected to cause discrimination w.r.t. other content.
2. In this reference it is suggested that the domain/definition of such “Basic Content/Information” should be decided by the government and should not be left at the understanding of TSP’s. However such “Basic Content/Information”, should be limited to “basic necessity” and should be concerned and hosted in Indian, national geographical domain, and may include e-governance initiatives of Government departments for public welfare.
3. As in case of “termination charges for SMS”, TRAI decides the exempted categories, and communicates to TSP’s for implementation, likewise the same approach should be used by TRAI in deciding the “free basic content, i.e. content exempted from charges” and TSP’s should allow free access to such content to their subscribers. The “reimbursement approach” is not suggested for involving technical complexities, and leading to billing disputes.
4. All the features of scheme should be regulated by TRAI, and should be applicable to all TSP’s in identical manner in all senses, so as being non-differentiating vis-à-vis subscribers of different TSPs.
5. Further the TSPs, who are willing to promote social objectives of providing free/discounted internet access to their customers, may be allowed to offer free/discounted data services (without any discrimination of content/applications etc. on any ground) to their customers. This can be done in the form of free initial data offerings to new subscribers during specified time period/for specified initial time limit/for specified volume of data and giving certain amount/volume of data free everyday.

C. TSP agnostic platform

MTNL is strictly not in favor of TSP agnostic platform for providing free data or suitable reimbursement to users, as it will again become a point of regulation, and the platform will become a power centre. There is every probability of misuse of the position by the platform holder, exercising discretion and dealing all participants of system to its will and advantage.

Further as the above provisions, if implemented for specific services (CMTS only), will be subjected to cause discrimination among subscribers for different services, and therefore the same should be provisioned for all services providing access to internet.


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