

Draft for Comments of the Stakeholders



Telecom Regulatory Authority of India



**Draft Telecommunication Tariff (Fifty Ninth Amendment) Order,
2014**

New Delhi, the 24th September, 2014

Mahanagar Door Sanchar Bhawan, Jawahar Lal Nehru Marg,
New Delhi – 110002

Stakeholders are requested to furnish their written comments on the Draft Telecommunication Tariff (Fifty Ninth Amendment) Order, 2014 by the 14th October, 2014 to the Advisor (F&EA)-I, TRAI. The comments may also be sent by e-mail to manishsinha@traigov.in. For any clarification/ information, Shri Manish Sinha, Advisor (F&EA) may be contacted at Tel. No. +91-11-23230752 Fax: +91-11-23236650.

**TO BE PUBLISHED IN THE GAZETTE OF INDIA
EXTRAORDINARY PART III SECTION 4**

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the, 2014

No. 310-5(2)/2013-F&EA — In exercise of the powers conferred upon it under sub-section (2) of section 11, read with sub-clause (i) of clause (b) of sub-section (1) of the said section, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following Order further to amend the Telecommunication Tariff Order, 1999, namely:

THE TELECOMMUNICATION TARIFF (FIFTY NINTH AMENDMENT) ORDER, 2014

No. of 2014

1. (1) This Order may be called the Telecommunication Tariff (Fifty Ninth Amendment) Order, 2014.

(2) This Order shall come into force from the date of notification in the official Gazette.

2. In clause 7 of the Telecommunication Tariff Order, 1999, in sub-clause (i),---

- (a) in the first proviso, after the words "access provider", wherever appearing, the words "or Internet service provider" shall be inserted;
- (b) after the second proviso, the following proviso shall be inserted, namely:-

“Provided also that nothing contained under this sub-clause shall apply to any Internet service provider during a financial year if the total number of its subscribers is less than ten thousand on the last day of the preceding financial year”.

(Manish Sinha)
Advisor (F&EA)

Note.1. – The Telecommunication Tariff Order, 1999 was published in the Gazette of India, Extraordinary, Part III, Section 4 under notification No.99/3 dated 9th March, 1999, and subsequently amended as given below:

Amendment No.	Notification No. and Date
1 st	301-4/99-TRAI (Econ) dated 30.3.1999
2 nd	301-4/99-TRAI(Econ) dated 31.5.1999
3 rd	301-4/99-TRAI(Econ) dated 31.5.1999
4 th	301-4/99-TRAI(Econ) dated 28.7.1999
5 th	301-4/99-TRAI(Econ) dated 17.9.1999
6 th	301-4/99-TRAI(Econ) dated 30.9.1999
7 th	301-8/2000-TRAI(Econ) dated 30.3.2000
8 th	301-8/2000-TRAI(Econ) dated 31.7.2000
9 th	301-8/2000-TRAI(Econ) dated 28.8.2000
10 th	306-1/99-TRAI(Econ) dated 9.11.2000
11 th	310-1(5)/TRAI-2000 dated 25.1.2001
12 th	301-9/2000-TRAI(Econ) dated 25.1.2001
13 th	303-4/TRAI-2001 dated 1.5.2001
14 th	306-2/TRAI-2001 dated 24.5.2001
15 th	310-1(5)/TRAI-2000 dated 20.7.2001
16 th	310-5(17)/2001-TRAI(Econ) dated 14.8.2001
17 th	301/2/2002-TRAI(Econ) dated 22.1.2002
18 th	303/3/2002-TRAI(Econ) dated 30.1.2002

19 th	303/3/2002-TRAI(Econ) dated 28.2.2002
20 th	312-7/2001-TRAI(Econ) 14.3.2002
21 st	301-6/2002-TRAI(Econ) dated 13.6.2002
22 nd	312-5/2002-TRAI(Eco) dated 4.7.2002
23 rd	303/8/2002-TRAI(Econ) dated 6.9.2002
24 th	306-2/2003-Econ dated 24.1.2003
25 th	306-2/2003-Econ dated 12.3.2003
26 th	306-2/2003-Econ dated 27.3.2003
27 th	303/6/2003-TRAI(Econ) dated 25.4.2003
28 th	301-51/2003-Econ dated 5.11.2003
29 th	301-56/2003-Econ dated 3.12.2003
30 th	301-4/2004(Econ) dated 16.1.2004
31 st	301-2/2004-Eco dated 7.7.2004
32 nd	301-37/2004-Eco dated 7.10.2004
33 rd	301-31/2004-Eco dated 8.12.2004
34 th	310-3(1)/2003-Eco dated 11.3.2005
35 th	310-3(1)/2003-Eco dated 31.3.2005
36 th	312-7/2003-Eco dated 21.4.2005
37 th	312-7/2003-Eco dated 2.5.2005
38 th	312-7/2003-Eco dated 2.6.2005
39 th	310-3(1)/2003-Eco dated 8.9.2005
40 th	310-3(1)/2003-Eco dated 16.9.2005
41 st	310-3(1)/2003-Eco dated 29.11.2005
42 nd	301-34/2005-Eco dated 7.3.2006
43 rd	301-2/2006-Eco dated 21.3.2006
44 th	301-34/2006-Eco dated 24.1.2007
45 th	301-18/2007-Eco dated 5.6.2007
46 th	301-36/2007-Eco dated 24.1.2008
47 th	301-14/2008-Eco dated 17.3.2008
48 th	301-31/2007-Eco dated 1.9.2008
49 th	301-25/2009-ER dated 20.11.2009
50 th	301-24/2012-ER dated 19.4.2012
51 st	301-26/2011-ER dated 19.4.2012
52 nd	301-41/2012-F&EA dated 19.09.2012

53 rd	301-39/2012-F&EA dated 1.10.2012
54 th	301-59/2012-F&EA dated 05.11.2012
55 th	301-10/2012-F&EA dated 17.06.2013
56 th	301-26/2012-ER dated 26.11.2013
57 th	312-2/2013-F&EA dated 14.07.2014
58 th	312-2/2013-F&EA dated 01.08.2014

Note.2. – The Explanatory Memorandum explains the objects and reasons for the Telecommunication Tariff (Fifty Ninth Amendment) Order, 2014.

Explanatory Note

1. The clause 7 of the Telecommunication Tariff Order, 1999 (hereinafter referred to as the TTO, 1999) stipulates that all service providers shall comply with the reporting requirement in respect of tariffs specified for the first time and also all subsequent changes; provided that in respect of tariff plans offered by a telecom access provider to bulk customers, such as corporates, small and medium enterprises, institutions, etc. either in response to a tender process or as a result of negotiations between the access provider and such bulk customer, the reporting requirement shall not apply. The reporting requirement has been defined in clause 2 (l) of TTO, 1999 as obligation of a service provider to report to the Authority, any new tariff for telecommunication services and/ or any changes therein within seven working days from the date of implementation of the said tariff for information and record of the Authority after conducting a self-check to ensure that the tariff plan(s) is/are consistent with the regulatory principles in all respects which *inter-alia* include IUC compliance, non-discrimination and non-predation.
2. Internet Service Providers Association of India (ISPAI) had requested the Authority for exemption from tariff reporting requirement for small Internet Service Providers (ISPs).
3. After detailed deliberations and further examination, the Authority has decided the following:
 - (i) To exempt any ISP from the reporting requirement during a financial year if the total number of its subscribers is less than ten thousand (<10,000) on the last day of the preceding financial year. However, such Internet service providers shall ensure that the tariffs offered by them are consistent with the regulatory principles and comply with all the regulatory requirements.

- (ii) To extend the existing exemption given to access providers in respect of tariff schemes offered to bulk customers in response to a tender process or as a result of negotiations between the access provider and such bulk customer to the ISPs also.