

Aircel response to TRAI Consultation Paper on Issues related to closure of Access Services.

Aircel welcomes TRAI's initiative to review the issues related to closure of Access Services. Please find below our responses question-wise on the consultation paper

Q1. Is there a need for modification of the UASL and CMTS licences in line with Clause 30.3(b) of UL, for those licensees who have liberalized their administratively allocated spectrum?

Aircel response: Since all of these licenses offer same / similar services, it might be prudent to modify the terms and conditions of the UASL and CMTS licenses that have liberalized their administratively allocated spectrum in line with Clause 30.3(b) of the UL to bring uniformity across licenses.

Q2. Should discontinuation of services being provided through a particular technology, say CDMA, be treated same as discontinuation of any of the service under a Service Authorisation as per Clause 30.3(b) of UL? Please provide details along with justification.

Aircel response: Technology is an ever evolving field especially in telecom - moving from 2G to 3G to now 4G. In case an operator is able to migrate its customers from one technology to another without any major disruption in service, then the same may not be construed as discontinuation of services as under UL. For example, an operator providing 2G services on 900 MHz spectrum upgrades to 3G, then most of the subscribers can be migrated to the new technology from the backend using the existing 3G handset (which is currently supporting 3G). Such a scenario may not be treated as discontinuation of services as per UL. Only cases where the migration cannot be done by the TSP from backend and require customers to change handsets, need to be considered as discontinuation of services.

Q3. What other conditions in these licenses be modified so as to keep pace with the developments? Please justify your answer.

Aircel response: The Clause 10.3(b) of UASL and CMTS licenses may be modified in line with Clause 30.3(b) of the UL

Q4. Regarding spectrum trading process, the Stakeholders are requested to comment upon the following:

- a) Is there a need to define a time-limit for DoT to take into its records the prior intimation given by TSPs regarding the spectrum trading? Please suggest time-lines for different activities within the Spectrum Trading Process.
- b) Should the advance notice period to subscribers' be enhanced from 30 days period to say, 60 days, in case of closure of services so that a subscriber has sufficient time to consume his talktime balance? Please provide justification to your response.
- c) If a TSP is selling its entire spectrum in the LSA and intends to discontinue its access services being provided to its subscribers, should the TSP give the 60 days' advance notice to Licensor, TRAI and its subscribers, only after the spectrum trading is acknowledged by DoT/WPC as suggested in Para 23?
- d) Give any other suggestion to improve the existing Spectrum Trading Process.

Aircel response:

- a) The date on which the TSPs file a joint intimation may be recorded by the DoT/ WPC as start of the 45 day notice. The same may also be published on the DoT's website to ensure transparency. The DoT/ WPC may take a maximum of 2 weeks to raise any objections to the trade. The TSPs may then respond to the queries from DoT/ WPC within the next 4 weeks.
- b) We believe a 30 day notice is more than sufficient for the customers to use up their existing balance and there is no need to modify this.

- c) The prescribed timelines for the trading process need not be changed. The date of joint intimation may be treated as the start date of the advance notice. The intimation may be concurrently sent to TRAI and a copy may also be put up in the website to create transparency.
- d) In case of any objections / demands raised by the DoT on the trade, the TSPs should be permitted to securitize the same with DoT and go ahead with the trade instead of stalling the whole process.

Q5. What mechanism should be put in place to ensure that subscribers are informed about the closure of services/change of access technology transparently and effectively by the TSPs? Should TSPs be directed to follow a specified mode of communication(s) as detailed in para 30 for informing subscribers or what could be other mode of communications?

Aircel response: Currently TSPs send out SMS informing all its customers of any changes to the services provided. The SMS sent to customers are also vernacular and is the best and most direct way of reaching the customers. Hence this process should be continued. Additionally, other alternate channels such as emails, press releases, outbound calls, pre-recorded messages may be used by the TSPs at its discretion.

Q6. Will it be appropriate that the responsibility of verification of time-period elapsed since the last porting (i.e. 90 days period) be shifted from MNPSP to the Donor Operator so that subscribers' port-out requests are accepted irrespective of his age on network in case of closure of services?

Aircel response: Yes, the responsibility of verification on age on network may be shifted to the Donor Operator so that the ports out requests are accepted irrespective of the subscribers' age on network in case of closure of services.

Q7. In case a TSP changes the access services technology and asks his subscribers to migrate to newer technology, should the tariff protection, carry-over of unused talk-time balance and benefits be extended to such subscribers upon migration to new technology for the contracted period?

Aircel response: Yes, in case where the TSP migrates its customers to a new technology the tariff protection and carry-over of unused talk-time balance upon migration to the new technology for the contracted period should be allowed. However, customers who are unable to migrate to the new technology may be allowed to freely port out to other TSPs after utilizing the unused talk-time balance within 30 days.

Q8. How much time period should be given to the subscribers to port-out after closure of commercial services i.e. for how long the system should remain active to facilitate porting? Should the validity of the UPC in such cases coincide with such time period?

Aircel response: 30 day notice is sufficient for a customer to port out after utilizing his unused talk time and need not be modified. However, on an exceptional case the left out subscribers may be allowed to generate porting requests for a further 15 days beyond the date of closure of access services.

Q9. What other changes should be made in the MNP Regulation to ensure smooth bulk porting-out of the subscribers in the event of closure of access services or change of access technology by any TSP?

Aircel response: Following are the changes recommended in the MNP regulation to ensure smooth bulk porting out of subscribers in the event of closure of access services:

- a) The responsibility of checking age on network may be shifted to the Donor Operator.
- b) The validity of the UPC code should be 30 days and further extendable by 15 days in case of closure of access services
- c) TSP may be allowed to generate UPC for the entire base from the back end. The same could be communicated in the SMS to the subscribers to ensure a faster port out process.

Q10. Will it be appropriate that the change of technology within a licensee (TSP in a given LSA) be removed from the definition of MNP?

Aircel response: As rightly pointed by the Authority, in the current liberalized regime the change of technology is irrelevant as one operator could offer 2G, 3G, and 4G within the same LSA and the subscribers keep switching between these technologies based on coverage. Hence MNP definition may be modified to that extent.

Q11. Is there a need for an alternative mechanism to MNP for bulk transfer of subscribers from one TSP to other TSP(s)? If yes, please give suggestions.

Aircel response: Choice of the recipient operator is always with the subscriber and hence forceful port out to a specific operator is not recommended.

Q12. Should a TSP be allowed to transfer its subscribers, who have not been able to port-out to other TSPs before closure of service, to another TSP whenever the services being rendered by that TSP are going to be discontinued? What can be associated issues and challenges? Please provide details.

Aircel response: It is the responsibility of both the TSP and the subscriber to port out in case of closure of access services. However, subscribers who have not ported out even after the 30 day notice and a further 15 days extension can be safely assumed to be inactive / non-users of the access service and hence no action would be required.

Q13. If there are any other issues relevant to the subject, stakeholders may submit the same, with proper explanation and justification.

Aircel response: The age on network of a subscriber may be considered from the first date of the subscriber on a network irrespective of the number of changes in the technology by the subscriber within the same TSP. The 90 day AON criteria should not be applicable for such customers who have just migrated to a new technology and then wanting to port out to another operator.