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Letter No. RP/FY 17 - 18/ 040/172

**Shri S. T Abbas,
Advisor (NSL),
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi 110002**

Subject: Draft MNP Regulation (Seventh Amendment), 2017 - Response from Bharti Airtel Ltd.

Dear Sir,

Please refer to TRAI's draft MNP Regulation (Seventh Amendment). We are pleased to enclose views of Bharti Airtel Ltd. on the proposed amendments.

We trust our submissions will merit kind consideration of the Authority when these draft regulations are finalized.

We are thankful to TRAI for inviting views from the stakeholders.

Yours faithfully,

For Bharti Airtel Ltd.

A handwritten signature in blue ink, appearing to read 'R. Gandhi', is written over a horizontal line.

**Ravi P Gandhi
Chief Regulatory Officer**

Encl; a.a.

Draft Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2017

We are grateful to the Authority for providing us with the opportunity to give our comments on Draft Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2017. Please find below our detailed response on TRAI's proposed Amendments to MNP regulations, 2009.

I. TRAI's proposal

In regulation 8 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) (hereinafter referred to as the principal regulations), in sub-regulation (4) at the end, after the word "code", the words, "and a copy of the content of SMS containing the Unique Porting Code along with the mobile number of the subscriber, shall be forwarded to the concerned Mobile Number Portability Service Provider of Mobile Number Portability zone to which the mobile number range holder of the number under porting belongs" shall be inserted.

Bharti Airtel's comments:

There may be issues even under the revised process as suggested by draft regulation as well since a copy of UPC may not be received at Mobile Number Portability Service Provider (MNPSP) end. We propose that UPC should be generated and shared with customer by MNP service provider (MNPSP) instead of Telecom Service Provider (TSP). Recipient operator will validate the same with MNPSP before final submission. Additionally, we propose that customer should have an option to cancel the porting request through SMS sent to Short code 1900 which is routed to MNPSP.

The proposed process flow is as under:

1. The customer generates port out request by sending "Port (mobile number)" to 1900.
2. TSP will route the request to MNPSP who will generate and share UPC with the customer.
3. Customer visits Recipient Operator's outlets for MNP process.

4. Recipient Operator will validate the UPC with MNPSP before final submission of request.
5. On successful submission of request MNPSP will notify customer with Recipient Operator and Donor Operator details.
6. MNPSP shall also maintain a short code on which customer can send a message in case the customer wants to cancel the request within 24 hrs of submission of porting request.
7. In case customer wants to cancel the request, he will send "Cancel" to 1900. The request would be routed to MNPSP just like in case of UPC generation process.
8. MNPSP will reject the request for porting and inform Donor Operator (DO) and Recipient Operator (RO).

II. TRAI's proposal

In regulation 9 of the principal regulations:

(a) For sub-regulation (4), the following sub-regulation shall be substituted, namely: "In case there is no pending porting request in respect of the mobile number referred in sub-regulation (1), the Mobile Number Portability Service Provider shall verify that the Unique Porting Code received from the recipient operator matches with the content of the Unique Porting Code generated and shared by the Donor Operator under sub-regulation (4) of regulation 8.";

(b) After sub-regulation (4), the following sub-regulations shall be inserted, namely:

(4a) "Where Unique Porting Code is either not matching with the Unique Porting Code generated by the Donor Operator under sub-regulation (4) of regulation 8 or has expired, the Mobile Number Portability Service Provider shall not take any action on the request and shall inform the Recipient Operator accordingly, who shall thereupon communicate the same to the concerned subscriber.

(4b) In cases the Unique Porting Code entered by the recipient operator matches with that of the Unique Porting Code generated by the Donor Operator and has not expired, the Mobile Number Portability Service Provider shall forthwith forward the details of such request along with scanned copy of the authorization letter in case of corporate mobile number to the Donor Operator for seeking his clearance for such porting".

Bharti Airtel's comments:

We understand that porting process has not started in case of rejection of UPC by MNPSP. Therefore, there would be no payout of Rs. 19/- by RO to MNPSP.

We believe that the Authority should prescribe the time-lines for MNPSP to carry-out its job of UPC validation in a more efficient manner. In this regard, we recommend following timelines for MNPSP to respond:

- TRAI may include in revised regulation that MNPSP should instantly revert on RO query.
- In case, MNPSP accepts the UPC received from RO, this case should be forwarded to DO as soon as possible.
- In either cases of acceptance or rejection of UPC content received from RO, MNPSP should inform RO so that same can be communicated to the customer.

TRAI's proposal

In regulation 14 of the principal regulations, in sub-regulation (5), after the words "such outstanding bills" and before the words "to the recipient operator", the words, "including date of the bill, amount outstanding, last date of payment, date of the notice and period of notice given to the subscriber" shall be inserted.

Bharti Airtel's comments:

Under the proposed process, DO have to share certain details (date of bill / amount outstanding / last date of payment / due date) with MNPSP. We are in agreement with this proposal as this requirement would certainly assist RO in getting the requisite details before proceeding for disconnection.

Additional comments:

1. Revised process for withdrawal of porting requests:

As per MNP regulations, a customer can withdraw his port out request within 24 hours by writing to the recipient operator. Further, as per the process laid down, the

porting request can be withdrawn only on the basis of actions to be taken by recipient operator. The relevant clause 13 of MNP Regulations, 2009 is reproduced below:

13. Withdrawal of porting request.---(1) A subscriber may, within twenty four hours of making a request for porting, withdraw such request by informing the Recipient Operator in writing:

(2) Where the Recipient Operator has not forwarded the porting request to the Mobile Number Portability Service provider till receipt of the information regarding withdrawal of the request, it shall not take any further action on such porting request.

(3) In case the Recipient Operator has already forwarded the porting request to the Mobile Number Portability Service provider, before receipt of the information regarding withdrawal of the request, it shall forthwith inform the Mobile Number Portability Service provider about the withdrawal of the porting request and the Mobile Number Portability Service provider shall forthwith inform the Donor Operator about the withdrawal of the porting request.

Thus the withdrawal of port out request is based on action by recipient operator rather than the donor operator. These provisions have been incorporated in the regulation so that the porting process is not hampered due to any intervention from donor operator, who would always be interested in retention of their customers.

Some instances have been noticed wherein the donor operator has been rejecting port out requests based on customer's e-mail sent to the recipient operator. This is an incorrect process as the cancellation request sent through e-mail to the recipient operator cannot be verified at recipient operator's end. This is followed by rejection of request at donor operator's end by assigning any rejection reason enlisted under clause 12 of the regulation. Thus, both clause 13 and clause 12 of the MNP regulations are getting violated. Following process is being proposed to address such concerns:

(i). Customer should have the option to Cancel or Withdraw the Port out request by sending SMS to 1900 (Cancel to 1900) within 24 hours of Port out generation request.

(ii) MNPSP informs the DO & RO about the acceptance of cancellation request.

(iii) Such cases are flagged at MNPSP level and MNPSP rejects the port out request at his level.

(iv) Donor operator to inform the subscriber about cancellation of porting request.

Hence, with the involvement of third party (MNPSP operator), the sanctity of the whole process can be ensured.

2. Re-allotment of number levels to be announced by MNPSP:

When a number series gets re-allocated to other service provider or in some other LSA, the customer whose number pertains to such number series would sometimes face problem in receiving the incoming calls. This is due to the fact that some service providers might not have configured the number series in their systems as DoT guidelines provide 10 days' time period for the configuration of number series. To resolve such issues, it is suggested that the re-allocated number series may be broadcast by MNPSP. DoT can provide a copy of its circular related to re allotment of number series to the MNPSP to enable the broadcast.

3. Number return process:

As per MNP regulation, in case of disconnection of a number which is ported out, the recipient operator has to return the number to donor operator. However, in this exercise, sometimes it is found that active numbers also get returned to donor operator. For such cases, special request is being submitted to TRAI for waiving off the 90 day age on network condition and to direct MNPSP provider to broadcast the number again with recipient operator Location Routing Number (LRN).

It is suggested that TRAI may formulate a process to handle such scenarios.

4. Exemption of bill amount up to Rs 50 on NPD cases:

In case of Non-Payment Disconnection (NPD) Cases, where subscriber has ported out to recipient operator and has not paid the bill generated after his port out to recipient operator, the donor operator should not raise the NPD request in case, the outstanding bill amount is less than Rs 50/- . This exemption is required since a ported out customer has been left with limited options to pay the bill. The customer has to compulsorily visit the retail outlet of the donor operator since the option for payment through website/ app/ any other online portal etc. is not available in such cases.

5. Computation of Age on Network (AON):

As per clause 12 of MNP regulations, porting request can be rejected in case Age on Network is less than 90 days. TRAI considers Customer Application Form (CAF) date for computation of Age on Network. However, the Age on Network should be computed from the date of tele-verification and not from CAF date. The 90 days period had been fixed in order to allow a donor operator to recover the acquisition cost from the customer. Prior to this tele- verification, incoming and outgoing calls are being barred and hence the service provider can only start receiving revenue only from the date of tele-verification. Therefore, 90 day Age on Network period should be counted from tele verification date and not from CAF date.

6. No KYC for Inter Operator National MNP:

National MNP Process was rolled out so that consumer does not need to change the number even if re-locating to another Circle. There are many customers who are not changing their operator when relocating to another circle. However, even such customers have to go through the complete KYC process as per National MNP guidelines which creates hassles and dissatisfaction since customer has to visit the store and go through complete KYC process once again.

In Aadhaar based activation process, KYC authentication is done with Unique Identification Authority of India (UIDAI) which is a national level database. Customer Identity does not get changed in UIDAI if customer changes the location/ service area. Therefore, we recommend to allow customer to re-locate anywhere (within same operator) without giving fresh KYC in such cases wherein the customer wants to port out to same operator when relocating to other circle. The following process flow is proposed for subscribers who want to port out to same operator in other circle:

1. Request for change of circle to be facilitated through customer call /by visiting TSP's website / mobile app.
2. Customer would generate UPC code and enter it in the App (in self-initiated cases) or share it with Airtel Advisor in case of request communicated through call centre agent.
3. Customer provides his new address in the circle where he is relocating.

4. Customer submits the port out request on App or Airtel Advisor submits the request of the customer (as applicable).
5. TSP to send request to MNPSF as per existing National MNP Process.
6. On successful completion of the MNPSF Process, TSP will capture the new address with telecom circle in his system and will generate new Digital CAF for future reference.

7. No requirement of top up recharge/ balance in main account for customers with bundled offerings:

Presently some of the telecom service providers are offering bundled services to their customers wherein, the customer gets the entire range of the services i.e. voice, SMS and data services up to the validity of the respective plan voucher/STV on making upfront payment for the respective voucher/ STV. As per the said offerings, the customers can use the services with zero balance and are not required to do any additional recharges through top-up/STV for using voice/SMS or data services. As a result, post the expiry of validity for STV/ plan voucher, if a customer wants to port out from his network, he is not allowed to submit SMS to 1900 since he would not have any balance left in the main account. Further, it is noticed that telecom service providers restrict the availability of top up vouchers by not providing it as a paper voucher or through e-recharge platforms.

In order to enable the customers to exercise their right to number portability, the telecom operators offering bundled services, with no requirement of top up recharge, should be mandated to allow SMS facility to 1900 without any top up recharge or without any requirement of amount in the main balance, post the expiry of bundled offering.

8. Increase in Age on network (AON) period:

As per the current norms, a subscriber can port his number after completion of 90 days on a service provider's network.

It has been observed that customers as well as retailers have misused these norms and the retailers lure customers towards other service provider just to garner some incentives, even though the customer may not have any issues with his current service provider.

In order to arrest such incidences, the Age on Network of the customers should be revised as under:

- i. A new customer should be allowed to port out of his telecom service provider only after completion of 6 months. In order to achieve this, such customers should not be allowed to generate UPC within 6 months from the date of activation.
 - ii. Existing customers, other than new customers, should be allowed to port out only after completion of one year on a network. In order to ensure compliance, the customer should not be allowed to generate UPC within one year from the date of generation of previous UPC by the customer.
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