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Ref No: RP/FY 16-17/087/086

Date: 6th February 2017

To,
Shri Sanjeev Banzal, Advisor
(Networks, Spectrum and Licensing)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
J.L. Nehru Marg, Old Minto Road
New Delhi - 110002

Subject: Consultation Paper on Issues Related to Closure of Access Services

Reference: TRAI Consultation Paper dated 30th November 2016

Dear Sir,

This is with reference to your above mentioned consultation paper dated 30th November 2016. In this regard, please find enclosed our response for your kind consideration.

Thanking You
Yours Sincerely
For Bharti Airtel Limited

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

Ravi P. Gandhi
Chief Regulatory Officer
Mob - 9871106558

Enclosed: as mentioned above

Bharti Airtel Limited's Response to TRAI's Consultation Paper on "Issues related to Closure of Access Services"

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?

Airtel's Response:

- a) We support a uniform clause/guideline for the closure of any particular service/technology across all licences, irrespective of administrative or liberalised spectrum.
- b) Thus, we recommend that Clause 30.3(b) of the Unified Licence – which allows a licensee to discontinue any of its services under a Service Authorisation with due intimation to the DoT, TRAI and its subscribers – be incorporated in UASL/CMTS licences as well. The relevant clause is as under:

"Licensee may discontinue any of the service, under a Service Authorization, to its subscribers, by giving notice to Licensor and TRAI of at least 60 Calendar days in advance with reasons. In that case it shall also notify all its subscriber by sending a 30 Calendar days' notice to each of them. The effective date of discontinuity of Service will be 61st Calendar days counted from the date of receipt of such notice by the Licensor. ~~The Licensor reserves the right to reject such request.~~"

- c) We also request that Clause 30.3(b) of the Unified Licence be amended to the extent of deleting the line, "*The Licensor reserves the right to reject such request*". The said clause allows TSPs to discontinue any of their services after due intimation to DoT, TRAI and their subscribers, and within that context, the said line is not relevant.

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. And

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

Airtel's Response:

- a) We recommend that the discontinuation of services being provided through a particular technology in the service area be treated at par with the discontinuation of any service as per Clause 30.3(b) of Unified Licence, as both would have the same effect on the customer.
- b) Since the complete withdrawal of a particular technology affects the continuity of services for existing customers, the TSP should inform DoT, TRAI and its customers well in advance.

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.

Airtel's Response:

We believe that the existing spectrum guidelines are fine as is and, hence, do not suggest any changes pertaining to that.

(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.

Airtel's Response:

- a) We suggest that the advance notice period to subscribers should continue to be 30 days or a period of one bill cycle. We believe that this time period is sufficient for customers to utilise unused talk-time balance/post-paid benefits before the closure of services.
- b) In the event of the discontinuation of a particular service/technology, TSPs would take various initiatives to ensure that the affected customers are intimated through multiple channels, such as SMS, email, website, press release, etc. Thus, we believe the existing notice period of 30 days is adequate to protect the interests of customers.

(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?

Airtel's Response:

- a) Recently, the industry has witnessed various spectrum trading deals that have promoted consolidation in the telecom sector. One of the biggest positives of spectrum trading deals is that they are being approved by DoT in a time-bound manner, as a result of which the buyer is able to utilize the traded spectrum immediately.
- b) Thus, we recommend that the spectrum trading process and the 60/30 days' advance notice to the Licensor/TRAI/public should not be interlinked in any manner. Any attempt at determining the notice period of 60/30 days pursuant to the clearance of a spectrum trading deal will only delay the closure of the spectrum trading deal. This will end up adversely affecting spectrum trading deals as the TSP (buyer) would have to wait for a long time after paying a huge amount of money to the seller. The TSP should be allowed to use the traded spectrum on an immediate basis pursuant to approval, in order for it to recover its costs.
- c) The decision on when a TSP (seller) ought to give 60/30 days' advance notice to the Licensor, TRAI and its subscribers should be left to the TSP.

(d) Give any other suggestion to improve the existing Spectrum Trading Process.

Airtel's Response:

As submitted above, we believe the existing spectrum trading guidelines are working fine. Hence, we do not suggest any changes in the existing spectrum trading guidelines.

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?

Airtel's Response:

We recommend that for the benefit of all subscribers (prepaid and post-paid), they should be informed about the closure of services through multiple channels such as SMS, emails, website, press release, etc.

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?

Airtel's Response:

We recommend that in the customers' interests, the clause regarding the 90 days' lock-in period should be removed in case of the closure of services. Once the service provider has decided to discontinue a particular service/technology, all its affected subscribers should be given equal opportunity for porting out. Therefore, in the case of closure of services, an exception should be made in the MNP regulations for the removal of the 90 days' lock-in period.

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?

Airtel's Response:

We recommend that in the event of changes in any access services technology, if a subscriber chooses to remain with the same TSP and migrate to the newer technology, the subscriber should be given tariff protection and also be allowed to carry forward any unused prepaid talk-time.

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?

Airtel's Response:

We recommend that the validity of UPC should be extended from 15 days to 30 days or till the last date of closure of service, whichever is earlier.

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?

Airtel's Response:

In order to ensure smooth bulk porting-out of subscribers, we recommend that the Authority should allow the TSP to generate additional UPCs with alpha series that are not in use. In the past, it has been noted that TSPs have lost precious time out of their 30-day notice period while obtaining permission for using additional alpha series for generating bulk UPCs. Therefore, to save precious time, TSPs should merely be required to inform the Authority about the utilisation of the UPC series, instead of seeking prior approval.

There have been cases wherein the customer did not generate the UPC and, thus, ended up losing the mobile number. TRAI should allow the TSP to generate automated UPC for all such customers who fail to generate the UPC before the closure of services. The customer can fetch the information about the UPC by visiting the TSP's store.

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?

Airtel's Response:

We recommend that in the liberalisation regime, technologies are often seen to overlap, i.e., the LTE customer is given the option to fall back on 3G and 2G technology. Therefore, if a mobile number can be retained across technologies offered by the same TSP, it would be appropriate to exclude the change of technology within a licensee from the definition of MNP.

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.

Airtel's Response:

In the past, the industry has witnessed certain instances wherein a TSP, post the expiry of its licenses, was unable to reclaim its existing spectrum during the spectrum auction and, as a result, had no choice but to discontinue its existing services either completely or in a particular technology.

Last year, the government introduced a policy allowing the trading of spectrum in a particular band to promote consolidation between TSPs and to enable them to exit from a particular spectrum band/technology, if needed. The policy also helped to improve the overall financial condition of the sector by providing an alternate to mergers & acquisitions (M&A), which is a complex exercise.

In the event of the closure of any particular service/technology, the TSP should be allowed to migrate/transfer its entire subscriber base to any TSP based on a mutual commercial agreement. This is also in the interest of consumers as it will allow seamless migration of the subscriber base – without requiring any effort or cost on the part of the subscriber – through the MNP process. It is to be noted that a TSP incurs enormous costs in the acquisition of a subscriber base and, therefore, should be allowed to transfer its existing subscriber base as a normal business transaction, which otherwise is already permitted under TRAI's mergers & acquisitions guidelines. Since M&A will be impractical if a TSP is closing its business in a particular service/technology and continues to offer other telecom services under the same licence, the transfer of subscribers from one TSP to another should be permitted.

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.

Airtel's Response:

We recommend that in the case of subscribers who are unable to port-out before the closure of services, bulk transfer to other TSP(s) should be allowed on the basis of decisions made by the closing TSP. This will ensure the provision of seamless telecommunication services to even those subscribers who are unable to port-out before the closure of services, via the retention of their mobile number.

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

Airtel's Response:

Our response is restricted to issues related to the closure of access services. We recommend that there should be a separate consultation paper to address other important topics such as LBS, security issues, etc.