



DIGITAL  
LIFE

RJIL/TRAI/2019-20/692

03<sup>rd</sup> March 2020

To,

**Shri Kaushal Kishore**  
**Advisor (F&EA)**  
**Telecom Regulatory Authority of India**  
**Mahanagar Doorsanchar Bhawan**  
**Jawahar Lal Nehru Marg, New Delhi 110002**

**Subject: Comments on Draft Telecommunication Tariff (65<sup>th</sup> Amendment) Order, 2020 dated 18.02.2020.**

Dear Sir,

Please find enclosed comments of Reliance Jio Infocomm Ltd. on the Draft Telecommunication Tariff (65<sup>th</sup> Amendment) Order, 2020 dated 18.02.2020.

Thanking You,  
For Reliance Jio Infocomm Limited,

**Kapoor Singh Guliani**  
Authorised Signatory



**Enclosure: As above.**

**Reliance Jio Infocomm Limited, CIN : U72900GJ2007PLC105869**

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**RELIANCE JIO INFOCOMM LTD'S COMMENTS ON TRAI'S CONSULTATION ON  
DRAFT TELECOMMUNICATION TARIFF (SIXTY FIFTH AMENDMENT) ORDER, 2020  
DATED 18<sup>TH</sup> FEBRUARY 2020**

1. In November 2012, the Authority vide 54<sup>th</sup> Amendment to the Telecommunication Tariff Order'1999 (TTO'99) has inserted a new Schedule XIII, wherein it specified a floor tariff of fifty paisa for SMSs exceeding 100 per SIM per day sent by persons other than a telemarketer and entities sending transactional messages. The present Draft TTO (65<sup>th</sup> Amendment), 2020, proposes to delete Schedule XIII and entries thereunder. Reliance Jio Infocomm Limited (RJIL) thanks the Authority for giving the stakeholders an opportunity to share their views, in this regard.
2. We appreciate the Authority's commitment towards reducing the regulatory burden and its commitment towards Forbearance and minimal regulations. However, we submit that prior to repealing any existing regulation, a cost benefit analysis is imperative.
3. We submit that the Schedule XIII to the Telecommunication Tariff Order'1999 (TTO'99), was implemented with a view to restrain the unregistered telemarketers (UTM), which remained out of the purview of the provisions of Telecom Commercial Communications Customer Preference Regulation, 2010 (6 of 2010) dated the 1<sup>st</sup> December 2010 (TCCCPR 2010). The limit of maximum 100 SMSs per SIM per day under forbearance and thereafter floor tariff of 50 Paise was designed to control the then prevalence of SMS packs which promoted the SMS based UTM activities by offering a very large number of SMS at nominal charges.
4. The limit of 100 SMS per SIM per day was appropriate to restrict these UTM activities while at the same time it was sufficiently high for heavy individual users, as at the time of implementing the Schedule XIII the average outgoing SMS per subscriber per month was 38 SMS only. This number has further reduced to 18 SMS per subscriber per month as of date, as per the Performance Indicator reports issued by the Authority.
5. We submit that this measure was largely successful as it led to imposition of an additional cost on the intentional UTM activities which was supplemented by the penal provisions under the TCCCPR 2010. We understand that together these provisions were instrumental in restraining the menace of UTM to a certain extent, though not completely eradicating the same.
6. We appreciate that the Authority is seeking to completely curb the menace of UTMs with the implementation of the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) dated the 19<sup>th</sup> July 2018 (TCCCPR 2018), through a DLT technology-based approach. We are supportive of this initiative and understand that this



will further address the UTM menace. However, we are constrained to highlight that mere implementation of the TCCCPR 2018 should not be considered as sufficient reason for repealing the Schedule XIII of the TTO'99, especially when some of the penal provisions under TCCCPR 2010 like disconnection of telecom resources have been modified in customer's favour under the TCCCPR 2018 and their impact is yet to be ascertained.

7. We submit that true condition precedent for repealing the Schedule XIII of TTO'99 should be actual curbing of the UTM menace on the ground. While we are optimistic of the TCCCPR 2018 bringing in that change, in view of being cautiously pragmatic, we submit that the Schedule XIII should not be repealed till the UTM situation does not actually improve on the ground.
8. Another relevant factor to be considered prior to repealing the volume-based floor price for SMS service, is the industry wide acceptance and request to the Authority on the need for floor prices in telecom services. As you are aware, a consultation process is already well underway for the same vide Consultation Paper dated 17<sup>th</sup> December 2019.
9. It is pertinent to mention that the requirement of floor for SMS services were not discussed or raised in the above mentioned consultative process so far, as a reasonable and well-thought out volume-based floor already exists. Under this floor, the service providers are able to cater to the daily needs of a genuine individual customer by means of providing sufficient free / discounted SMS, while at the same time recovering the floor price from a fraction of subscribers for higher number of SMSs sent to cover for the implicit floor price in form of Interconnection Usage Charges (IUC) for SMS services.
10. We submit that any repeal or modification of the Schedule XIII would disturb this fine balance. The impact would be more pronounced in view of the fact that the Authority has not yet chosen to provide any forward path on the IUC for SMS services. Thus, any such action can have other unforeseen consequences.
11. In view of the above, we submit that as long as the UTM menace still persists and the IUC charges for SMS services prevail, the status quo should not be disturbed.

