

RJIL/TRAI/2017-18/265
16th June 2017

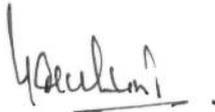
To,
Sh. Sanjeev Banzal
Advisor (NSL),
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg, New Delhi 110002

Subject: Comments on Consultation Paper No. 5/2017 on 'Network Testing before Commercial Launch of Services' dated 01st May 2017.

Dear Sir,

Please find enclosed herewith RJIL's comments on the consultation paper on 'Network Testing before Commercial Launch of Services' dated 01.05.2017, for your kind consideration please.

Thanking You,
For **Reliance Jio Infocomm Limited,**



Kapoor Singh Guliani
Authorised Signatory



Enclosure: As above.

**RELIANCE JIO INFOCOMM LTD'S COMMENTS ON TRAI'S CONSULTATION PAPER ON
"NETWORK TESTING BEFORE COMMERCIAL LAUNCH OF SERVICE"
(Consultation Paper No 5/2017 Dated 1st May, 2017)**

General Comments:

1. At the outset, we thank the Authority for issuing this consultation paper to discuss the requirement and process of network testing before commercial launch of service.
2. Despite existing regulatory clarity around network testing, this non-issue has been created by incumbent operators in face of commencement of service by a new entrant in telecom market. It is vital that the ambiguity around this non-issue is removed once and for all, as with ever-evolving technologies, the Authority and the Government will be faced with such representations whenever an operator seeks to test new technology with the sole objective of delaying technological progress in India.
3. We submit that the Unified License describes the requirement of network testing by the licensee in detail.
 - a. Under clause 7 on 'Provision of Service', the license mandates the service providers to install, test and commission all the applicable systems before commencement of service.

"7. Provision of Service:

The Licensee shall be responsible for, and is authorized to own, install, test and commission all the Applicable systems for providing the Service authorized under this License agreement. The Licensee shall intimate to the Licensor well in advance before the proposed date of commencement of any service in any Service Area containing the details of network and required facilities for monitoring of the service installed by the Licensee. Any service, permitted under the scope of this License Agreement, shall be commenced by the Licensee after giving an intimation to do so to the Licensor. However, the compliance to the scope of License and requisite facilities will be demonstrated to the licensor within 90 days from the date of receipt of such intimation from the Licensee."

- b. The UL also provides for testing of network before and after commencement of service by DoT and TRAI. These clauses read with the penal provisions under the License imply that the Licensee should be completely sure of compliance and performance of all applicable systems before commencement of service and that it should carry out sufficient testing to reach the desired compliance levels.

29.1 The LICENSEE shall ensure the Quality of Service (QoS) as may be prescribed by the Licensor or TRAI. The LICENSEE shall operate and maintain the licensed Network conforming to Quality of Service standards subject to such



other directions as Licensor / TRAI may give from time to time. The LICENSEE shall adhere to such QoS standard and provide timely information as required therein. Failure on part of LICENSEE to adhere to the Quality of Service stipulations by TRAI/Licensor is liable to be treated as breach of terms and conditions of License.

The LICENSEE shall provide periodic information on compliance of QoS standards to TRAI/Licensor as per schedule notified.

29.2 The LICENSEE shall be responsible for: -

i) Maintaining the performance and quality of service standards.

ii) Maintaining the MTTR (Mean Time to restore) within the specified limits of the quality of service.

iii) The LICENSEE will keep a record of number of faults and rectification reports in respect of the service, which will be produced before the Licensor/ TRAI as and when and in whatever form desired.

29.3 The LICENSEE shall be responsive to the complaints lodged by his subscribers. The LICENSEE shall rectify the anomalies within the MTTR specified and maintain the history sheets for each installation, statistics and analysis on the overall maintenance status.

29.4 The Licensor or TRAI may carry out performance tests on Licensee's network and also evaluate Quality of Service parameters prior to grant of permission for commercial launch of the service, after successful completion of interconnection tests and/ or at any time during the currency of the LICENSE to ascertain that the network meets the specified standards on Quality Of Service (QoS). The LICENSEE shall provide ingress and other support including instruments, equipment etc., for such tests.

34. Inspection and Testing of Installations:

34.1 The Licensor / TRAI may carry out performance tests as required for checking Quality of Service, if it so desires. The LICENSEE shall supply all necessary literature, drawings etc. regarding the equipment installed and shall also supply all the tools, test instruments and other accessories to the testing party of the Licensor / TRAI for conducting the tests. The list of performance tests will be furnished by the Licensee, which may be amended by the Licensor.

- c. The Licensee is also responsible for the security of the network and should ensure complete security before commencement of service.

39.5 The LICENSEE shall be completely and totally responsible for security of their networks. The LICENSEE shall have organizational policy on security and security management of their networks including Network forensics, Network Hardening, Network penetration test, Risk assessment. Actions to fix problems



and to prevent such problems from recurring should be part of the policy. The LICENSEE shall submit its policy to Licensor within 90 calendar days from the date of issue of the License/each service authorization.

Thus, we believe that considering the above stipulations, the Unified License rightfully does not consider limiting the scope and scale of network testing by a service provider prior to commencement of service.

4. Network testing can have various dimensions depending upon the scale of proposed operations, the technology to be deployed, and the availability and status of evolution of the device ecosystem of the proposed technology, resolution of issues and retesting and so on so forth. All these aspects have a bearing on the scale and timelines of proposed network testing before commencement of service.

a. Scale of proposed operations:

The Telecom market in India is hypercompetitive. There are at least 2-4 service providers in each service area with close to 20 years of operations and the urban tele-density for wireless services is already above 166%. The combined impact of these factors is that any new service provider, in order to compete properly in a service area, will be required to test its network at all service and geographical levels to ensure a comparable or better service level, before commencement of service.

Further, in case the service provider wishes to launch services at pan-India level to deliver the benefits of economy of scale to its subscribers then it has no option but to test at a large enough scale in all service areas before commencement of service. As is a normal practice across all industries, the scaling up of the testing requires a step-wise approach and the time-limits for each step are dependent upon the previous step. Therefore no restrictions can be put on the scale and timelines of the testing, in case the objective is providing best in class service to consumers.

b. Technology:

The Unified License is technology neutral and the service providers are free to deploy any technology under intimation to the DoT. A new service provider, in order to offer service differentiation can opt for any new technology available at global levels. However, as the new technology needs to be offered in compliance with the terms and conditions of license and also in compliance with the Orders/Regulations and Directions of the Authority, the service provider will need to test the networks in sufficient stages and at sufficient scale before commencement of services. The testing requirements of a service provider deploying new technology are not comparable with the testing requirements of a legacy technology operator as the legacy technologies have well matured.



c. Device ecosystem:

The new technology sometimes also brings in the associated challenge of tuning the network to varied implementation by various device manufacturers in rapidly developing technology. In case the device ecosystem is not sufficiently developed then the service provider is compelled to help co-create the device ecosystem while also testing with each and every compatible device coming into the market. This can only be done in an open-market and at a reasonable scale. The service provider, may also need to move the test users/subscribers to new devices, which will entail additional costs for them. To ensure that sufficient number of test-users test the network and also invest in test devices, the service provider will be required to incentivize the test users and also move them to paid subscription in a seamless manner.

Thus, clearly Network testing is that much more complicated for a new technology service provider than a legacy technology service provider. While the testing requirements may be minimalistic as far as new 2G networks are concerned, but the testing requirements grow exponentially for new technology, especially when coupled with the development of device ecosystem.

There is an additional aspect of testing of a technology or service which has not yet been tested anywhere in the world for the intended scale of the new entrant such as VoLTE without circuit switched fallback. This would imply that the service provider will not only test each and every aspect of the testing, but it will also be required to visualize and test all scenarios and also scale the testing in a phase wise manner to ensure optimum service quality and quality of service. Deep in-the-field tests are required for such new functionalities, and any compromise at the testing phase may cause hardships to customers for a long period of time.

Thus the testing requirements need to be treated differently for different technology networks and there cannot be any artificial restrictions on timelines and scale of testing.

5. Customer benefit: Testing and improvement of services go hand in hand. Infact the testers in many cases are early adopters of the service/ technology. In such a case, they need to be assured that upon commencement of services, they are automatically migrated as subscribers and do not face any roadblocks in using the service they tested extensively.
6. The scale of network testing implies that the testing cannot be limited to employees and test SIMs. The service provider will be required to enrol test users for desired scales. However, the service provider should ensure that all the test users should be enrolled in compliance with the extant instructions of the Licensor on verification of subscribers. As there remain possibilities of a level of investment by the test users, the



test users need to be assured that on commencement of services, they will seamlessly become a subscriber and the services will not be curtailed without express consent.

7. We submit that sufficiently large scale of testing would entail that all functionalities including the off-net functionalities may be stress tested. We understand that there are commercial obligations like IUC payments for off-net testing, and the service provider should make such payments as per the TRAI mandate and the interconnection agreements. We submit that as long as the testing service provider is complying with its payment obligations under TRAI regulations and interconnect agreements there cannot be a concern over IUC and pricing. We also submit that many connected aspects like IUC and pricing, raised under the consultation paper are part of ongoing consultation processes and RJIL has submitted its responses to the issues raised therein.
8. Further, the reference to the purported industry practice of provisioning of POIs of 1-2 E1s to a new operator to meet the interconnection needs during testing phase is also not correct or relevant in current scenarios and scales of testing required. Even twenty years ago, the 2 E1s that were typically provided were at LDCA level, which in effect meant provisioning 35 to 40 E1s at a circle level for an operator, and that too, before actual commencement of the business. This number of E1s (around 30 to 40 at a circle level) was considered adequate, when the tele-density was at 2% twenty years ago which can hardly be benchmarked when the current teledensity is at 82%.
9. We submit that the Authority's reference linking the time limit for start of commercial service with compliance with roll-out obligations is misplaced and not relevant in the context. We submit that Authority's observation of some service providers meeting the roll-out obligations with minimal or negligible BTS dates to the period of administrative spectrum. We understand that the Authority had recommended the linkage of commercial launch of service with meeting roll-out obligations earlier, but the same was not accepted by the Government, however, we reiterate that those recommendations were in the context of administrative spectrum and have no relevance in the era of auctioned spectrum. Currently, all spectrum is auctioned and there are well defined policies on mergers and acquisitions, spectrum sharing and trading therefore it is in the service providers own interest to efficiently utilise the spectrum at the earliest. Additionally, the testing pertaining to roll-out obligations is done in compliance with the coverage obligations under the Notice Inviting Applications ("NIA") for spectrum auction and are carried out by a few test users with select test devices and is limited to the testing/ measurement of select few parameters only as specified in the TSTP, which is starkly different from the requirement of testing all services for various parameters. Further the reference is not relevant in the current context as the consultation paper itself has been self-admittedly caused by large scale of testing by a new entrant testing its network with new technology.



10. It is interesting that the Authority has mentioned the 'spirit of level playing field'. We submit that the spirit of level playing field would entail facilitating a new service provider in commencing its services without unnecessary hurdle and impediments like denial of sufficient POIs and denial of MNP. We submit that the fact that all these basic requirements were provided by the incumbent operator's only post Authority's intervention bears a testimony to lack of spirit of level playing field displayed by the incumbent operators.
11. We submit that the Indian telecom sector has flourished due to the DoT and TRAI's much lauded policy of 'Light Touch Regulations' and 'Forbearance'. The measures limiting the network testing phase before commencement of service would amount to micro-management and intrusive regulations. We submit that the TRAI and DOT should refrain from any such steps that have the impact of micromanaging the business decisions of the operators through unreasonable rules / regulations. Any such intrusive steps will have a discouraging impact on new operators desirous of entering the hyper competitive market and this will also impact the large scale investments coming into the sector. The service providers will be dissuaded from taking risk of introduction of new technology untested elsewhere. Thus denying the sector of latest technology. Such measures will also have an adverse impact in meeting the national goals of 'Digital India'.
12. Putting artificial restrictions on the network testing phase will also be against the customer interest. As all consumers have right to test the service before deciding to join the network especially when the consumers might be required to commit additional device investment for joining the network.
13. Telecom in India has been shining story of balanced regulation and consistent policy making. In the past, India was decades behind the world in adopting telecom technologies and hence there was limited need for testing/ tweaking networks and services. However, we are increasingly seeing that global technological standards are coming to India simultaneously with their global debut. Hence, this necessitates extensive testing to ensure a world class product is co-created through testing and is suited and perfected to meet customer needs.
14. Conclusion:

- 1. The Unified License has sufficient provisions and clarity pertaining to testing of networks before commencement of service and there is no need to change the same.**
- 2. Network testing can have various hues depending on the technology and scale and it will not be prudent to treat all network testing from the eyes of legacy service providers.**
- 3. In the era of spectrum auction, the service providers are themselves under pressure to monetise the spectrum at the earliest and it will not be logical to put any restrictions on network testing.**



4. The testing service providers can onboard subscribers as test users only in compliance with the instructions on subscriber verification. There should be no additional conditions associated to it.
5. The testing stage of network should have no bearing on POI, IUC and MNP, as long as the extant regulations on these subjects are complied with and the mandated payments are made.

Issue wise response:

Q1. Should a TSP be allowed to enrol subscribers as test users and in such case, should there be any restrictions on the number of test SIM cards and the period of such use? Please justify your response.

Response:

1. The enrolment of subscribers by a service provider is governed by the instructions issued by DoT from time to time and the service providers are license bound to follow all instructions/orders from DoT. These instructions are primarily issued to ensure subscriber traceability. Therefore, in case a service provider, in test phase seeks to enrol subscribers as test users, then it should do it in compliance with the extant instructions on subscriber verification issued by DoT.
2. The testing needs to be viewed with a correct perspective. The test phase directly implies that the service provider will seamlessly move towards commencement of service to general public and therefore, when the subscribers are acquired as test users in compliance with the regulatory oversight during the test phase itself, then there is no reason why these test users should not be moved as subscriber in a seamless manner at the commencement of service. Further, it is the responsibility of the service provider to ensure that the subscribers are moved to paid subscribers in full compliance with the applicable license terms and conditions and TRAI Orders/ Regulations/ Directions issued from time to time.
3. The Licensor in its instructions on Verification of New Mobile Subscribers (Pre-paid and Postpaid) dated 09th August 2012 does not put any restrictions on the number of test SIMs and the purpose of the test SIMs and only mandates that the licensee shall intimate the list of such connections/numbers to DoT/Security Agencies. We are extracting and reproducing the relevant portion as herein below:

13. In case of Test SIMs required by the Licensee for any purpose, the list of such connections/numbers shall be intimated to DoT/Security agencies along with the duration of such requirement.



As these test SIMs do not fall under the category of subscribers during the test phase, these are not reported as subscribers under the DoT instructions dated 29th August, 2005.

4. Test users are merely early adopters of technology and there cannot be any basis for subjecting them to the hardship by forcing them to give up their connection upon migration to commercial services. Any such restriction only undermines consumer interests and discourages people to participate in testing.
5. In view of the above, we submit that there is no need to put any additional restrictions on the service providers for enrolling subscribers as test users. In fact, putting unnecessary restrictions on a service provider during the test phase can be counterproductive to the health of sector. The service providers carry out testing in order to ensure that all systems are geared for the next phase, i.e. monetisation of the services, it would be highly unreasonable to believe that the testing would not lead to commencement of service.

Q2. To clearly differentiate test phase from commercial launch, which of the options discussed in Para 1.12 would be appropriate? Please provide justification. Please explain any other method that, you feel, would be more appropriate.

Response:

1. RJIL submits that the premise of this question is based on an assumption that there is a requirement of hard differentiation between the test phase and the commercial launch. This is a fallacy introduced by the vehement uninterrupted propaganda by the incumbent service providers to prevent entry of a new operator stating that testing of network should be limited and curtailed. Whereas in fact the network testing would seamlessly move to the commencement of services.
2. The testing of networks needs to be seen without the legacy paradigms. At the time of launch of 2G network, the service providers had limited service areas to roll-out and the international precedent for both GSM and CDMA technologies were well established. Therefore the consequent need of testing was relatively less and post that the 2G service providers have built upon the same technology for over 20 years, and still continue deploying the 2G technologies to provide voice services. The technological upgradations, whenever attempted by these service providers pertained only to provision of data services. The mobile data market in India remained unexplored till recently and it was entry of new TSP that prompted incumbent service providers to roll-out the 3G and LTE technologies. Increased market competition and newer technologies definitely benefitted the consumer as is evident from consumption jump in India. From being one of the laggards, India has become highest mobile data consuming country in the world.



3. The paradigm shift in mobile telephony services has been brought in by two parallel phenomenon, the attempt to roll-out voice over LTE (“VoLTE”) technology and the explosive growth of smartphones. In fact, worldwide 4G technologies were launched in the midst of the smartphone explosion. Both the phenomenon could only feed off each other leading to enabling key experiences. However, the fact that even internationally, VoLTE technology was deployed at limited test scales implied that even the smartphones being developed were not supporting VoLTE. Thus severely limiting the testing of new technology for a VoLTE provider, who wanted to offer the services at a comparable scale with the market leaders.
4. To put perspective on the discussion, we are detailing the ‘how and why’ of extensive testing required to offer VoLTE service:
 - a. Given VoLTE and LTE data services require different radio conditions, extensive testing is required to identify situations / places where data services work but voice doesn’t work due to poorer RF conditions and in absence of voice fall back facility.
 - b. LTE technology has throughput directly linked to SINR (signal to noise ratio) which depends on loading i.e. number of connections to a particular eNodeB. Optimization at both micro and macro level becomes challenging given all cells and all sectors in LTE use exactly same spectrum.
 - c. Greenfield LTE network requires identification of coverage holes which may need to be rectified by placement of IBS/ small cell.
 - d. LTE stack implementation by various device manufacturers is different which may lead to latching issues. Many handsets give priority to PS attach (CSFB attach) and fail to register on VoLTE. All this implies that the service provider has to work extensively with the test users to real-life feedback and then work with device vendors to fix the device issues.

Clearly, meeting vast technical challenges and rectification of all device related issues implied that only practical solution was to test devices in open market whose feedback was acted upon for creating a better customer experience.
5. Further the test trials are required to help validate all business processes, platforms, quality of service parameters, technical systems readiness for customer onboarding, usage, billing, payment, number portability, roaming, customer care etc. while ensuring compliance to all applicable instructions pertaining to subscriber verification , traceability and lawful interceptions.



6. Nascent device ecosystem combined with varied technology implementation by device manufacturers necessitate extensive network testing before commercial launch of services.
7. The 5G technology will be deployed with very low latency and high bandwidth, a combination that has the potential of offering "cloud memory" for smartphones. This is a possibility, where all app data, videos, music, and all content is not stored locally on the phone, but is instead pulled on demand from the cloud. This has the potential of revolutionizing the apps consumption, as it will enable, any app to be simply opened instantly from the relevant app store.
8. Obviously such a deployment will require much more consumer testing in a real like scenario. Further, Cloud memory has the potential of drastically cutting the device prices by reducing the amount of hardware required for a handset. On a technological scale this will make designing a foldable or flexible handset much easier.
9. Now, imagine a scenario, when a greenfield service provider purchases new untested spectrum at market prices, develops revolutionary functionalities but is prevented from testing on a scalable test user base, with an assurance to become its subscribers, just because the incumbent entrenched players in the market were able to create a paranoia about the scale of testing just to protect vested interests and were able to convince the Authorities in imposing restrictive provisions due to their persistent negative campaign.
10. We would also bring to your notice that the success of ambitious and nation building programmes like 'Make in India' would imply that we would be able to replace a substantial part of the imported telecommunication equipment and applicable systems with those designed and developed indigenously. This would certainly warrant extensive multi-level testing at sizably large scales before deploying these applicable systems and equipment at a commercial level. Thus putting any curbs on the size, scale and mode of testing would essentially act as a dampener to the success of 'Make in India' programme.
11. There is another aspect of technological innovations and advancement that requires multiple levels of testing and development with long gestation periods. The technological developments happen when there is a supporting environment for unrestricted testing with sufficient funding support. For India to lead the world in current age of Information Communication Technologies ("ICTs"), the innovation and development has to begin in India. That can only happen when there is enabling regulatory framework and sufficient private participations and funding. The telecom service providers with the intertwined business interests in the development of ICTs in India are uniquely placed to support this. However this cannot happen without the Regulator's positive support. The first step in this support would be supporting unfettered testing and not restricting testing of



telecom technologies in any way. This would also ensure that the forthcoming generation of telecom technologies are deployed first in India instead of India having to import the technological know-how.

12. We submit that the Authority as a regulator of the telecom sector has a responsibility to protect the interests of both subscribers and telecom service providers including the new fledgling service providers. The Authority is therefore requested to consider the rational approach. In the era of auctioned spectrum and reasonable tariffs, it would only be an imprudent service provider, who would wish to prolong the free testing beyond the necessary period. The rational approach would be clearly to not impose any artificial restrictions on network testing. The service provider should be free to take a call on the scale and duration of network testing.
13. The measures proposed in the para 1.12 of the consultation paper, if considered will have a chilling effect of all new service providers, as explained below:

a. Onnet Testing and small scale testing of offnet functionalities;

This would imply that the service providers deploying new technology will develop only sizable onnet network, and would not have fully functional off-net service. The off-net service will be at the mercy of incumbent service providers post commencement of service. The Authority has observed similar situation in very recent past and is aware that the incumbent service providers used all tricks to deny quality of service to subscribers of new entrant when they had no regulatory grounds to do so. The Authority had to intervene and recommend highest penalty against these service providers to ensure even a semblance of compliance. The Authority can well imagine the behaviour when there are some regulatory restriction on testing networks.

b. Limiting the duration of testing;

This would imply that notwithstanding the optimum scale of testing and newness of the technology to be deployed, all service providers desirous of offering service will be provided with a small window for network testing. This would be an anti-level playing field measure, as, while the service provider deploying tried and tested technology may not need testing at all and on the other hand the service provider desirous of offering new technology will not get sufficient time to test and deploy the technology.

Further, the Unified License and the NIAs for spectrum auction do not contain any such limitation on testing, therefore introducing such limitations now amounts to putting up post-facto restrictive provisions, which were not known to the service providers/bidders at the time of applying for Unified License and auction of spectrum.



- c. **Providing temporary number series to the TSP for testing &**
- d. **Limiting the number of test subscribers by way of allotment of smaller chunks of numbers, say 10000, as against about 10 lakh per series, during test phase;**

This would be counterproductive to permitting subscribers to be enrolled as test users, as the sole purpose of such measures is to provide necessary scale for testing and assuring seamless movement to paid subscription. As explained in the General Comments, new technology deployment demands testing at sizable scale and the Authority should desist from putting curbs to it.

- e. **Perform intensive testing on the radio access network (RAN) in a relatively smaller geography.**

In a country like India, it is difficult to divide the country into small representative units due to vast variations in the geography and consequently in network deployment. Different spectrum bands, user profiles, handsets and services require testing to be done on a much wider area and in a robust manner to be able to test all user scenarios and resolve the issues so found.

14. In view of the above, we submit that it is not possible to restrict test phase from commercial launch, using any of the options discussed in Para 1.12 of the consultation paper. In fact, we submit in an era when the spectrum is auctioned and the network deployment costs are very high, there is no purpose in micro-regulating the test phase as the service provider's interest lies in quickly monetising the services. Therefore, we recommend that no artificial restrictions should be imposed on the service providers regarding the phasing and duration of testing the network before commencing the service.

Q3. Do you agree that the provisions discussed in Para 1.13 viz. information to the subscribers about test SIM being temporary etc., should be put in place for the TSP testing its network involving test users/subscribers? Please suggest other provisions which should be mandated during test phase?

Response:

1. We submit that there are two pre-requisites for enrolling subscribers as test users for network testing.
 - a. The Licensee's network should be compliant with LIM related requirements.
 - b. The subscribers would be enrolled as test users in full compliance with DoT's extant instructions on subscriber verification.



2. In case the service provider is compliant in both the above requirements, then there is no difference in the subscribers acquired as test users and the subscribers acquired post the commencement of service. We understand that the service provider will inform the subscribers acquired as test users that he has been acquired as a test user and will seamlessly become a paid subscriber post completion of the test phase. Besides this, there should be no additional requirements.

Q4. Is there a need to have a defined timeline for testing phase i.e. period beyond which a TSP should start offering commercial services? If yes, what should be the timeline? Please justify your response.

Response:

1. As explained in our General comments and replies to the previous questions, it is well established that there cannot be a single yardstick to measure the timeline requirement of the test phase. Further, the testing service providers alone can decide the requirements in line with the scale of testing envisioned and the technical challenges foreseen.
2. Further, at the cost of repetition, we reiterate that it is in the testing service provider's own interest to complete the testing at the earliest and monetize the services as anyway in testing phase also, it is bearing the spectrum costs and OPEX costs.
3. Furthermore, we submit that imposing such artificial constraints may have been logical for administratively allocated spectrum, but there is no rationale for imposing such timelines for auctioned spectrum, as the service provider, itself is the biggest loser in case of delayed monetization.
4. Additionally, we submit that imposing such conditions and timelines may prompt the service providers to offer the services at a premature stage without satisfying itself of the service quality. Then there is a possibility that the Authority may have to face a barrage of deficiency in service complaints and the service provider can easily point the fingers at deficiency inducing regulations.
5. In view of the above, we submit that there is no case for imposing any timelines to the test phase.



Q5. In case enrolling of subscribers as test users before commercial launch is allowed, whether subscriber related conditions and regulatory reporting requirements laid down in the license, be imposed for the test subscribers enrolled before commercial launch? Please provide justification to your response.

Response:

1. As explained in our General comments and replies to the previous questions, it is imperative that the service provider complies with the extant regulations and mandatory requirements before onboarding subscribers as test users.
2. For all practical purposes the test users will act as subscribers of the service provider, therefore the service provider may comply with all subscriber related conditions and provisions relating to LIM and CDRs etc.
3. Further, as this will be a test phase, where the service provider can be testing various processes and applications alongwith the network, the bare minimum and critical reporting requirements should be mandated.

Q6. Should test users/subscribers of such licensees be given the facility of MNP? Please justify your answer.

Response:

1. Mobile Number Portability is one of the critical consumer rights besides being a critical system and regulatory requirement before commencement of services. As per DoT instructions, all new networks are required to complete the MNP acceptance testing before commencement of service. Thus a TSP can offer MNP services only on following all the Licensor's guidelines on MNP testing.
2. The subscribers/test users would be fully aware of the testing status of the network and in case they wish to port their numbers, it should be permitted. Further in any case, as the test users are not prohibited from becoming subscribers subject to compliance with DoT instructions on subscriber verification, there is no reason to discriminate against such test users.
3. The subscribers can opt MNP for a myriad of reasons including QoS, billing disputes, better tariffs, better network etc. and there is no reason to deny this facility to the existing subscribers of any network, in case they wish to experience new technology and participate in test trials and avail the benefits, merely because their chosen network is in testing phase. Further, such denial will also be in contravention to license provisions.
4. A service provider, whose service has been rejected by the subscribers by opting to avail MNP has no right or locus in keeping the subscriber. The Authority should take



a clear and unambiguous stand that MNP will be provided to all subscribers, whenever they desire, and no artificial restriction should be put to prevent it.

Q7. If there are any other issues/suggestions relevant to the subject, stakeholders may submit the same, with proper explanation and justification?

Response:

1. In line with our submissions in the General comments and our comments to the previous questions, we submit that the Authority should treat the issue of network testing with utmost caution. With the emerging technological scenario, it would not be wise to assume that a 'one size fits all' with regards to network testing.
2. Further, the Authority should issue regulations that mandate all service providers to fulfil their obligations with regards to interconnection, MNP and POIs, as enshrined in the License and TRAI Regulations, notwithstanding the testing or commercial status of a network. The service providers should not be allowed to renege their license obligations on such irrational and unsustainable grounds and the consumers in the country should not suffer due to underhand tactics of a few service providers.

