

Telenor (India) Response to TRAI Consultation Paper on Data Speed Under Wireless Broadband Plans (No 06/2017 dated 1st Jun'17)

Preamble

Presently wireless data services are the key driver for the success of Digital India program and vital for the development of the IOT and M2M services. TSPs have invested heavily in the access spectrum and continuously upgrading their telecom networks to support the explosive growth in the data services. Indian telecom market being an extremely competitive market having super low tariffs and stringent QoS benchmarks ensuring availability of optimum quality of service to the consumers at all the times. Moreover, consumers are fully aware what they are subscribing to or what they are buying to meet their requirements and ensure value for money which puts additional pressure on TSPs to maintain QoS to attract new consumers as well as retain their existing consumers. This clearly depicts that QoS for both voice and data services are driven by market forces rather than regulatory intervention.

Existing QoS regulation is more than sufficient – TRAI has already specified test measurement methodology for testing the data speed which is being followed scrupulously and performance of the QoS data parameters are being reported to TRAI. We are of the view that the current regulation is more than sufficient to conduct data speed measurement tests and measuring the QoS for wireless data services. TRAI may publish the same for the information to the consumers as an additional step towards enhanced transparency.

Transparency in tariff offerings - Over a period of time, TSPs have taken several tariff transparency measures to ensure that consumer is fully informed about the services and applicable charges to make an informed choice. For wireless data access, consumer generally opts for data STVs wherein data quota is clearly specified along with the validity period and fair usage policy. Consumer is upfront conveyed that after exhausting the specified data quota, xx data browsing speed will be made available along with volume based charges applicable after exhausting of committed data usage. These details are being conveyed to the consumers through website, mobile app, recharge coupon, advertisements, SMS communication etc. in a transparent manner.

Several Technological Options for measuring Data speed are available – To measure the data speed on a real time basis, several options are available with consumers including TRAI owned App namely “MySpeed”. TRAI itself has highlighted various options available for consumers to measure the data speed. However as rightly pointed out by TRAI in para 3.0 of the paper, the internet speed experienced by a user can be slower than expected due to various reasons as highlighted in para 2.4 which are beyond the control of the TSPs. Thus, considering the availability of different category of data users as well as handsets and dependence of data speed on various factors, it will

not be feasible to inform minimum/ average data download speed to the consumers. Instead, TRAI App should be promoted extensively among the consumers as a most authenticated mean for measuring the data speed.

TRAI should publish comparable data on data speed, it will be considered as most trustworthy source of Information by consumers – TRAI has been monitoring the performance of data speed offered by various TSPs mandated vide wireless data QoS Regulation as well as direct feedback received from the consumers through its MySpeed App. It is recommended that the data / information collected basis crowd sourcing should be published on TRAI website regularly for the information to the consumers. All TSPs should be mandated to promote and inform TRAI App and website link across all consumer facing communications. We are of the firm view that the information published by TRAI will be considered as most authentic and trustworthy information by the consumers while availing the wireless data services.

Globally, several Regulators are publishing the measured results of data speed on their website periodically basis crowd sourcing and service providers reported data enabling consumers to have relevant information available while availing data services. The Singapore Regulator IMDA has a mobile application namely IMconnected¹ that utilises voluntary crowd sourcing to improve the quality of experience for mobile broadband users. IMconnected gathers usage experience from users' mobile phones, such as broadband speed, latency and coverage on mobile cellular networks such as 3G and 4G, as well as on Wi-Fi networks and publish the same twice in a year. This allows IMDA to have a better understanding of mobile broadband performance and take measures to improve consumers' usage experience as well as enable consumers to choose a right broadband plan to suit their requirements. Similarly, the Italian Regulator AGCOM has developed the software² to test the performance of the broadband connection and measure the data speed of fixed line broadband services.

International Practices for regulating data speed – Internationally, majority of the regulators has not prescribed/set any benchmark for regulating minimum download speed related to wireless data services. Instead, it has been left it to the operator's discretion to adopt a measurement methodology that best reflect their operating environment and conditions. Countries like South Korea and Japan where data market is a very mature market, no such regulation exist. Even in European markets like Denmark, Sweden, UK, France, Netherland etc, doesn't have any specific regulation on communication of mobile data speed to the consumers considering the fact that Service provider has no realistic possibility to control in advance what speed can be obtained by an end user at a specific location and for transparency purposes, consumer is to inform various factors which impact the data browsing speed. We believe that communication of such minimum / average download speed will only create confusion in the market

¹ <https://www.imda.gov.sg/community/consumer-education/mobile-and-broadband/imconnected>

² Software name is Ne.Me.Sys and can be downloaded from <http://www.misurainternet.it/>

leading to consumer dissatisfaction. Under the recent agreement on the Telecoms Single Market package, as of 30 April 2016, European operators will need to be more transparent. In case of mobile networks, operators will have to inform the estimated maximum and advertised speed. Operators will also have to explain the remedies consumers have if they do not get the speeds for which they have subscribed. Consumers will be able to terminate their contract more easily if promised speeds are not delivered.

In view of above, we strongly believe that there is no need for further regulations on this subject, as this is ensured by strong competition in the markets and wide selection of offers in the market. Following are our key submissions:

1. The existing regulatory framework to monitor Wireless Data QoS regulation is working well. There is no need to prescribe any changes in the regulation.
2. TSPs have been communicating the complete tariff details and associated conditions to the consumers through various communication channels in a transparent manner.
3. It will not be feasible to inform minimum / average data download speed to consumers as actual data speed depends upon various factors which are beyond the control of service providers. Any misleading / incorrect information on wireless data speed may create unnecessary confusion among consumers.
4. We appreciate TRAI efforts in developing MySpeed App. It is suggested that TRAI should proactively take necessary action to publish the comparable data speed basis the data / information collected through this App and QoS reports.

Telenor India's response to the specific questions is as follows:

Question wise comments

Question 1: Is the information on wireless broadband speeds currently being made available to consumers is transparent enough for making informed choices?

Response:

- Yes, the existing mechanism to make available required information on wireless broadband speed is working well. Consumers have been informed upfront about the complete details along with the fair usage policy in a transparent manner.
- The "TRAI MySpeed" mobile application is available for the consumers to check real time data speed of their wireless data connection and have option to report the same voluntary to TRAI. It seems sufficient for consumers to take informed decision whether to continue with such wireless broadband connection or not.

- It is recommended that basis the data / information collected basis crowd sourcing should be published (TSP wise) on TRAI website regularly for the information to the consumers. All TSPs should be mandated to promote and inform TRAI App and website link across all consumer facing communications.
- TRAI may also publish technology wise QoS performance for all TSPs basis the data generated under test environment and reported to TRAI. This information will act as a ready reckoner for the consumer enabling him to take informed decision while subscribing for wireless data services.

Question 2: If it is difficult to commit a minimum download speed, then could average speed be specified by the service providers? What should be the parameters for calculating average speed?

Response:

- As per the current practice TSPs are offering data speed on a best effort basis to all of their consumers. Throughput differences are based on the bearer technology platform (2G/3G/4G) being used which are well understood and differentiated by the consumers. In addition throughput is also a function of a number of parameters – for GSM technology: channel allocation mechanism from the available traffic channel leftover after voice usage, modulation & coding scheme usage which are a function of radio environment, channel sharing, transmission media sanity, geographical variation in landscape and the type of handset used by the consumer. Under such circumstances, even in the case of a single user availing wireless data services it would be difficult to predict how much would be his throughput at any point in time. Additionally, specifying minimum or average wireless data speed may push TSPs towards traffic management in view of complying with the communicated speed to the consumers. Such practices are likely to impact the overall throughput across the tariff plans due to the fact that site level capacity will remain same.
- It may also be noted that given the hyper competitive nature of the market, TSPs are under severe competitive pressure to maintain the QoS not only to retain the existing consumers, but also to attract new consumers. We therefore believe that Quality of Service (QoS) ought to continue to be driven by market forces rather than by Regulatory intervention.
- Technically GSM and UMTS do not have technological concept of Guaranteed Bit and do not support to have assured minimum download speed for the users. The capacity on Radio Spectrum medium is shared on best efforts basis among all the users available on a particular site.
- Average data speed can be measured at aggregate level for all the BTSs together to gauge the data QoS performance technology wise both at cell level and circle level. The result may provide average throughput in the region served by the cell however this would still not reflect the true experience by a wireless data consumer. Thus, we

are of the view that informing the average data speed to the consumers will not be productive and may not be useful for him to decide which broadband plan will be suitable for him basis such information.

- Thus, we recommend that the Service providers' should not be mandated to inform average download speed to their consumers. Any such regulatory requirement will only create confusion in the consumer mind and hence lead to more consumer complaints/ queries. Instead, it should be left to the market forces. Rather as suggested in the response to Q1, TRAI may publish the QoS reported data for the information to the consumers.

Question 3: What changes can be brought about to the existing framework on wireless broadband tariff plans to encourage better transparency and comparison between plans offered by different service providers?

Response:

- As highlighted in the preamble, TSPs have taken several tariff transparency measures to ensure that consumer is fully informed about the services and applicable charges to make informed choice. For internet access, consumer generally opt for data STVs wherein data quota is clearly specified along with the validity period and fair usage policy for each data tariff plan / STV.
- As suggested above, TRAI may publish technology wise wireless QoS data performance reported by TSPs under the test environment as a separate section in TRAI website for the information to consumers. For instance, Singapore Regulator IMDA has a separate website³ having complete information of price and performance of various broadband plans including download throughput, upload throughput, latency etc.
- We believe that such website having comparable information will be considered most trustworthy for the consumer to take informed choice for him to opt for the data services meeting his requirements.

Question 4: Is there a need to include/delete any of the QoS parameters and/or revise any of the benchmarks currently stipulated in the Regulations?

Response:

- The existing regulation is working well and wireless data QoS performance measured inline the methodology specified in the regulation.

Question 5: Should disclosure of average network performance over a period of time or at peak times including through broadband facts/labels be made mandatory?

³ <https://www.imda.gov.sg/applications/rbs/chart.html>

Response:

- The existing regulation is working well and wireless data QoS performance has been measured in line with the methodology specified in the regulation. There is no need to mandate broadband facts/ labels and it should be left to the market forces.
- It is suggested that TRAI should publish the technology wise data performance of all the TSPs against each QoS parameter on its website for the information the consumers. This will help wireless data users to make informed decision.

Question 6: Should standard application/ websites be identified for mandating comparable disclosures about network speeds?**Question 7: What are the products/technologies that can be used to measure actual end-user experience on mobile broadband networks? At what level should the measurements take place (e.g., on the device, network node)?****Response:**

- As pointed out in the consultation paper, there are various applications/ websites/ tools available which can test and detect the data speed experienced by the User. Ideally, there should be a standard application/ websites identified and promoted among consumers to check the wireless data speed. However, consumers are free to select any application / website to test the data speed and mandating to use any specific application may not be practically possible.
- TRAI may publish / recommend authentic apps that could be used to measure actual end-user experience. There shall be dedicated portal where consumers could share their experience available for public view. There shall enough protection built in so that unsolicited responses are not getting captured.
- TRAI on its own could conduct end-user study and publish its findings in a portal accessible to general public.
- For network level, the measurements have been carried out to check the performance of wireless data speed under test environment as per the methodology specified in the Regulation and has been reported to TRAI.
- For the device level measurements, consumer is free to use any of the application / websites available for this purpose to check the data speed. However, it is suggested that TRAI should declare its App 'MySpeed' as a standard application to measure actual end user experience on mobile broadband networks and comparable results should be published. We believe, it will be viewed as a most trustworthy tool by the consumers for this purpose.

Question 8: Are there any legal, security, privacy or data sensitivity issues with collecting device level data?

- a) If so, how can these issues be addressed?
- b) Do these issues create a challenge for the adoption of any measurement tools?

Response:

- Since consumer is free to choose and download any application to check the performance of the wireless data speed hence it is the prime responsibility of the consumer to read the disclaimer or T&Cs mention/ appear before downloading any of such application. However, at the same time it is imperative to educate the consumer to read T&Cs carefully before using any of such applications.
- As suggested above, TRAI own application MySpeed has ensured data anonymization and refrain consumers from the data privacy issues highlighted in this question. Moreover, TRAI may also publish guidelines to be followed by other similar applications/ measurement tools available for this purpose in order to safeguard the consumers from any legal, security, privacy or data sensitivity issues.

Question 9: What measures can be taken to increase awareness among consumers about wireless broadband speeds, availability of various technological tools to monitor them and any potential concerns that may arise in the process?

Response:

- The existing measures undertaken by TSPs to increase awareness among consumers about information on wireless broadband speed are working well.
- Please also see our response to Q3. As recommended, TRAI may publish technology wise wireless QoS data performance reported by TSPs under a separate section on TRAI website as undertaken by other regulators globally.
- This will further increase awareness among consumers and will be considered most trustworthy source for taking informed decisions.

Question 10: Any other issue related to the matter of Consultation

Response:

- None
