



REPORT ON ACTIVITIES

(1st January 2015 to 31st December 2015)



TELECOM REGULATORY AUTHORITY OF INDIA



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PREFACE

The Telecom Regulatory Authority of India (TRAI) is a statutory body set up for regulating the Telecom and Broadcasting Sectors. TRAI was created by enacting the TRAI Act 1997 (as amended in the year 2000). This Act, along with the notification of the Government dated 9th January 2004, empowers TRAI to recommend conditions for entry of new telecom service providers as well as terms and conditions of license and ensure compliance of the terms and conditions of the license. The Act also empowers TRAI to lay down the standards of quality of service and ensure compliance, specify the tariff policy and make recommendations regarding terms and conditions on which Addressable Systems of TV shall be provided to the customers. TRAI's scope of work also includes issues relating to telecom and cable tariff policy, commercial and technical aspects of interconnection, free choice and equal ease of access for the public to different telecom services, resolution of conflicts that may arise due to market developments and diverse network structures for various telecom services. TRAI also facilitates development of forums for interaction amongst service providers and interaction of the Authority with consumer organizations to further the consumer interest.

The Authority initiated various measures to promote the growth and development of the telecom and broadcasting sectors during 2015. On the telecom front, TRAI addressed the issue of quality of services of telecom service providers and enhanced financial disincentives were prescribed on cellular mobile service providers for non-compliance with the bench marks for both Network and Customer related parameters. TRAI also made in depth analysis of the menace of call drop and put a regulatory mechanism to penalize the cellular mobile telephone service providers and provide relief to the customer. Effective measures in consumer interest such as full mobile number portability in the country were also taken. During the period Recommendations were made to Government on 'Implementation of Single Number based Integrated Emergency Communication & Response System' 'Introducing Virtual Network Operators in Telecom Sector' besides other issues.

In the Broadcasting Sector, the Authority addressed the issues of Quality of Service of Digital Addressable Cable TV System (DAS) and put in place a mechanism to penalize the defaulting operator by make the provision of financial disincentive. Recommendations were made to Government on 'Reserve Price for auction of FM Radio channels in new cities' besides other issues.

Through its regional offices located in different parts of the country, the Authority strived to increase its field level outreach by holding consumer outreach programmes (CoPs) and workshops for enhancing consumer awareness and soliciting consumer participation. These were efforts to improve the interface between TRAI and consumer and address systemic issues quickly. TRAI also focused on effective implementation of its orders, directions and regulations. Close monitoring of adherence to regulatory requirements, imposition of financial disincentives for non-compliance, and institution of prosecution in cases of grave misdemeanor, all resulted in better compliance and regulatory enforcement.

This report presents an abstract of the activities of the Authority during the calendar year 2015. This report is also available in the public domain for information of all stakeholders. The classification of activities has only been done to provide ease of reading. All the recommendations, regulations, orders and directions etc. referred in this report are available on the TRAI website www.traigov.in and can be referred to for detailed information. It is hoped that this report gives the stakeholders a broader view and better understanding of the initiatives taken by the Authority to enhance the growth of telecom and broadcasting sectors.



(Sudhir Gupta)
Secretary

REPORT ON ACTIVITIES

I. CONSUMER INTERESTS

Protection of consumers is one of the important functions of TRAI. The Authority has taken several measures to improve the regulatory mechanism which contributed towards improving consumer satisfaction. TRAI also interacted with consumer organizations to increase their awareness and include their views and concerns in policy making.

Quality of Service

The Authority has laid down the standards of Quality of Service (QoS) for various services provided by the telecom service providers (TSPs) to their customers. TRAI also monitors and ensures compliance of the standards to ensure good service to consumers.

TRAI monitors the performance of service providers through quarterly Performance Monitoring Reports (PMRs) and Point of Interconnection (PoI) congestion reports submitted by service providers.

For ensuring quality of service, TRAI has been closely monitoring the performance of service providers against the quality of service benchmarks through Performance Monitoring Reports. TRAI is also having regular interactions with service providers for improving quality of service. Further, TRAI has engaged independent agencies for auditing and assessing quality of service and surveys are being done regularly through independent agencies to assess the Customer Perception of Service. The results of the audit and assessment of quality of service and surveys are published for the information of stakeholders. TRAI has also been imposing financial disincentive on service providers for failure to comply with the quality of service benchmarks.

Submission of PMR/ Issue of show Cause Notices/Issue of Orders to service providers:

Around 114 show cause Notices have been issued to Basic, Cellular & Broadband service providers and 82 Orders have been issued to Basic, Cellular and Broadband Service providers for the quarter ending September 2014, December 2014, March 2015 and June 2015.

Approximately a total amount of Rs. 4,14,75,000/- has been received so far.

Rs 3,48,50,000/- received for CMTS

Rs 44,50,000/- received for Basic

Rs 21,75,000/- received for Broadband

For the show cause notices issued relating to UCCs Rs 1,78,35,500/- were received.

For the show cause notices issued relating to Metering & Billing Rs 1,18,841/- were received.

During the year, the following additional measures were taken to improve delivery of telecom and broadcasting & Cable TV services:

1. ***The Standards of Quality of Service (Digital Addressable Cable TV Systems) (Amendment) Regulations, 2015 dated 25th March 2015***

Telecom Regulatory Authority of India, notified the Standards of Quality of Service (Digital Addressable Cable TV Systems) (Amendment) Regulations, 2015 on 25th March, 2015 applicable for Cable TV Services being provided through Digital Addressable Systems (DAS) incorporating provisions for levy of financial disincentives on Multi System Operators (MSOs) who are not complying with the regulatory provisions of Quality of Standards regarding billing and issue of receipts for payment made by the subscribers. A provision for financial disincentive of an amount not exceeding Rs 20/- per subscriber has been made in the amended regulation.

The QoS Regulations also prescribe that the cable TV services shall be offered to the subscribers either both on pre-paid and post paid payment models, with subscribers' having option to choose. The pre-paid option offered by MSO shall be implemented through electronic pre-paid mechanisms. In order to ensure that the MSOs honour the pre-paid or post-paid option given by the subscriber in a timely manner a financial disincentive of not exceeding Rs. 100/- per subscriber has been made on the MSO for each contravention.

The MSOs have been provided a timeframe of 60 days to align their business processes for compliance with the provisions of the Regulations.

2. ***Telecom Consumers Protection (Eighth Amendment) Regulations, 2015 dated 7th August 2015***

The Authority after due consultation process and internal analysis issued the Telecom Consumers Protection (Eighth Amendment) Regulations, 2015 on 7th August 2015. The salient features of the regulations are given below :

i) Information to consumers relating to usage of data :

Service providers have been mandated to provide, through SMS or USSD —

- (a) Information to mobile data users regarding data used, after every 10MB of data usage to all mobile data users except users of special data packs (STV/Combo/add-on-pack). The consumers to be provided an option to opt out if they do not desire to receive such information.
- (b) Information to users of various of special data packs (STV/Combo/add-on-pack), whenever the limit of data usage reaches 50%, 90% and 100% of data available in the account of the subscriber or when the data balance available in the account of the subscriber reaches 500 MB, 100 MB and 10 MB. Further the consumer shall be informed about the details of tariff applicable after exhausting the data limit, when the data limit reaches 90% or the data balance available in the account reaches 10 MB.
- (c) An alert to international roaming customer cautioning him to deactivate data service if he does not intend to use data services. The service providers' have been given time till 1st November 2015 for implementation.

ii) Activation or Deactivation of data services:

- (a) Data services should be activated only with the explicit consent of the subscriber through a toll free short code 1925. The data services could also be deactivated through the toll free short code 1925.
- (b) Data services through Special Tariff Voucher or Combo Voucher or add-on pack will be deemed to have been activated with consent till the expiry of the validity period of the voucher/pack or on the consumption of entire data, whichever is earlier.

- (c) The customers should also be informed through SMS at periodic intervals about the prescribed procedure for deactivation of data. The service providers' have been given time till 1st September 2015 for implementation.

3. ***The Standards Of Quality Of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Fourth Amendment) Regulations, 2015 dated 15th October 2015***

In this regulation, TRAI had prescribed the revised financial disincentive on cellular mobile telephone service providers for non-compliance with the benchmarks for both network and customer related parameters. The salient features of which are given below:

- (i) Not exceeding Rupees one lakh per parameter for first non-compliance with the benchmark in a quarter,
- (ii) Non-compliance with the benchmark of the same parameter consecutively in two or more subsequent quarters, not exceeding Rupees one and a half lakhs for second consecutive contravention and not exceeding Rupees two lakhs for each consecutive contravention thereof;
- (iii) Non-compliance with the benchmark for the same parameter in any subsequent quarter, which is not a consecutive non-compliance, Rupees one lakh per parameter.

4. ***Direction dated the 29th July, 2015 to all the unified Access Service providers and Cellular Mobile Service providers to submit the compliance report in writing and also in the electronic form in Microsoft Excel format in respect of the parameters of quality of service for CMTS***

This direction seeks the compliance report from all the service providers in writing and also in the electronic form in Microsoft Excel format in respect of the parameters of quality of service for CMTS in the format number TRAL/QoS/CMTS/PMR/City in Annexure-1 in respect of forty two cities including four Metro cities (district wise), in Annexure II .

Retail and Wholesale Tariffs

TRAI protects interests of consumers through Tariff Regulations and determines the rates at which telecom and broadcasting services are offered to consumers. Tariff regulation is carried

out to ensure clarity and transparency in tariff offers to consumers and fixing of tariff charges where the market is not delivering optimal rates. In view of the intense competition in the telecom sector, the Authority has exercised forbearance vis-à-vis the tariff for most telecom services. The following tariffs were specified during the period:

1. The Telecommunication Tariff (Sixtieth Amendment) Order, 2015 dated 09th April 2015

The ceiling tariffs for national roaming were last revised by the Authority through the Telecommunication Tariff Order (Fifty fifth Amendment), 2013 dated 17th June 2013. After examining the comments of the stakeholders and further analysis, the Authority, through the Telecommunication Tariff (Sixtieth Amendment) Order, 2015 dated 9th April 2015, has revised the ceiling tariffs for voice calls and SMS while on national roaming, which came into effect from 1st May 2015. This amendment brought about the following changes in the tariff regime for national roaming service:

Item	Ceiling tariff as per TTO (Fifty fifth Amendment), 2013	Ceiling tariff as per TTO (Sixtieth Amendment), 2015
Outgoing local voice call	Rs.1.00 per minute	Rs.0.80 per minute
Outgoing long distance (inter-circle) voice call	Rs.1.50 per minute	Rs.1.15 per minute
Incoming voice call	Rs.0.75 per minute	Rs.0.45 per minute
Outgoing local SMS	Rs.1.00 per SMS	Rs.0.25 per SMS
Outgoing long distance (inter circle) SMS	Rs.1.50 per SMS	Rs.0.38 per SMS

Through this amendment Order, the Authority removed the existing mandate to the TSPs for providing RTP & RTP-FR and has mandated the TSPs to offer a Special Roaming Tariff Plan to its pre-paid and post-paid subscribers. In Special Roaming Tariff Plan, incoming voice calls while on national roaming shall be free, on payment of fixed charge, if any. The Authority is of the view that the reduced ceilings will benefit all subscribers.

2. *Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Fourteenth Amendment) Order, 2015 dated 06th January 2015*

The Authority on 6th January 2015, notified the Tariff (Amendment) Order applicable for non-addressable (Analogue Cable TV) systems in accordance with the Hon'ble Supreme Court order dated 17th September 2014. The key provisions in the said tariff order pertain to principle for pricing of new channels and channels converted from free-to-air to pay, mandatory a-la-carte offering of channels at wholesale level and twin conditions, for non-addressable (analogue cable TV) systems. The existing provisions in this regard have not been changed.

In addition, in this Tariff (Amendment) Order, it has also been specifically clarified that in cases where the operators implement Digital Addressable Cable TV Systems (DAS) before the cut-off dates notified by the Government, the regulatory regime pertaining to DAS will apply and that the broadcaster will have to declare the genre of the channels from amongst the specified genres.

3. *Telecommunication (Broadcasting and Cable) Services (Seventh) (the Direct to Home Services) Tariff Order, 2015 dated 1st April 2015*

Tariff Order applicable to direct to home operators prescribing a framework for commercial interoperability of Customer Premises Equipment (CPE) offered by the Direct-to-Home (DTH) operators to their subscribers was notified on 1st April 2015. The salient features of the Telecommunication (Broadcasting and Cable) Services (Seventh) (the Direct to Home Services) Tariff Order, 2015 dated 1st April 2015 are:

- Transparent price declaration of all types of CPEs by the DTH operators to enable a subscriber to make an informed choice.
- Transparent and upfront declaration of installation & activation charges by DTH operators which shall not exceed Rs 450/-.
- DTH operators to mandatorily offer an outright purchase scheme called Standard Scheme for all types of CPEs on standalone basis.
- DTH operators may offer additional schemes including bundled schemes and rental schemes.

- In the rental schemes, DTH operators can charge a specified one-time interest free refundable security deposit, installation and activation charges from the subscriber during enrolment followed by specified monthly rental charges. No repair/maintenance charges are permissible from such subscribers. DTH operators shall cater for free maintenance and repairs of CPEs for three years after installation/activation). In case of outright purchase and hire purchase schemes, DTH operators may levy visitation charges not exceeding Rs 250/- per visit after the warranty period has elapsed.
- Subscribers shall have an option of buy-back/refund for CPEs in all the offered schemes including bundled schemes with an exception of rental schemes. In rental scheme, subscriber will get back the security deposit.
- DTH operators may prescribe a lock-in period not exceeding six months for a subscriber to remain committed. Subscribers can surrender the CPE any time subject to levy of certain charges that have been prescribed.
- DTH operators shall setup collection centers at every district headquarters to enable easy return of CPEs. Subscribers shall be provided with a toll-free telephone number for registration of request for surrender of connection.
- Subscribers shall have option of returning the CPE by paying a nominal collection charge of Rs 300/- to the DTH operator or to return the CPE at the designated collection center.
- No other charges by any other name other than those specified in the TO can be levied on the subscribers by DTH operators.
- DTH operators shall declare all current schemes on their websites while also publishing all charges for each scheme. Subscribers to be given details of the scheme opted by him.
- DTH operators have been given a time of 60 days to align their business processes for compliance with the provisions of this TO.

Tariff for commercial subscribers

Tariff Amendment Orders dated 8th September 2015 relating to commercial subscribers

TRAI notified two Tariff Amendment Orders (TAOs) on 8th September 2015 relating to TV services for commercial subscribers, one applicable for TV services being provided through analog cable TV systems (Non-CAS areas) and the other one applicable for TV services being provided through Digital Addressable cable TV systems (DAS). The salient features of these TAOs are as under:

- ‘Subscriber’, ‘Ordinary subscriber’, & ‘Commercial subscriber’ have been defined.
- Total forbearance has been prescribed both at the wholesale & retail level with respect to tariffs for Commercial subscribers and the broadcasters have the option to enter into tripartite agreements with the Distribution Platform Operators (DPOs) and the commercial subscribers, if so desired.
- Broadcasters have been mandated to offer their channels/bouquet of channels for commercial subscribers, on non-discriminatory terms and conditions.
- The Broadcasters have been mandated to file their tripartite agreements, if such agreement is done with commercial subscribers, with the Authority within 30 days of entering into such agreement.
- TV Signal to commercial subscribers have to be provided by DPOs only, in accordance with “Policy Guidelines for Up-linking/Down-linking of Television Channels”.

These Tariff Amendment Orders have been notified in accordance with the Hon’ble TDSAT’s Order dated 9th March, 2015 in the matter of Indian Broadcasting Foundation & Ors Vs TRAI (Appeal No 7(C)/2014). It is expected that with the coming into force of these changes in the regulatory framework for commercial subscribers, distribution of TV services to commercial subscribers would be streamlined and would be available to them at competitive rates. It is also envisaged that it would balance the interests of all the stakeholders in the value chain and bring in complete transparency in the business transactions.

Status on number of tariffs filed and taken on record by the Authority from 1st January 2015 to 31st October 2015 for Telecom Services

S.No.	Name of service provider	Number of Tariffs* taken on record
1	Aircel	1951
2	Bharti	2471
3	BSNL	1396
4	Idea	3852
5	MTNL	217
6	MTS	337
7	Quadrant	173
8	Reliance	2657
9	Tata	1380
10	Telenor	432
11	Vodafone	2254
12	Videocon	569
13	Standalone ISPs	1661
14	NLDO	14

Includes tariff plans, plan vouchers, STVs, CVs, Top-ups, Add-one, other VAS, Internet related and leased circuit tariffs filed by TSPs

Addressing the issue of Call Drop

1. ***The Telecom Consumers Protection (Ninth Amendment) Regulations, 2015 dated 16th October 2015***

In the past one year, consumers raised the issue of call drops in different forum, complaining that their experience of making voice calls has deteriorated. In this context, TRAI issued a Consultation Paper on ‘Compensation to the Consumers in the event of dropped calls’ on 4th September 2015.

After careful examination of the comments received from the stakeholders and further analysis, TRAI has decided to put in place a mechanism to provide relief to consumers by

mandating the following to every originating service provider providing Cellular Mobile Telephone Services for each call drop within its network through the 9th Amendment to the Telecom Consumers Protection Regulations, 2012 dated 16th October 2015:

- (a) Credit the account of the calling consumer by one rupee; provided that such credit in the account of the calling consumer shall be limited to three dropped calls in a day (00:00 hours to 23.59 hours).
- (b) provide the calling consumer, through SMS/USSD message, within four hours of the occurrence of call drop, the details of amount credited in his account; and
- (c) in case of post-paid consumers, provide the details of the credit in the next bill.

These regulations shall become applicable from 1st January 2016.

Other measures taken to address the issue of Call Drop

- (i) TRAI has laid down the Quality of Service standards for cellular mobile telephone service through regulations issued, from time to time. For assessing the performance of service providers on call drop, both for 2G and 3G services, TRAI has laid down two parameters viz. “call drop rate /Circuit Switch Voice drop rate (benchmark < 2%)” and “worst affected cells having more than 3% TCH drop/Circuit Switched Voice drop rate: CBBH (benchmark < 3%).”
- (ii) TRAI also undertakes audit and assessment of Quality of Service through independent agencies. Further, to gauge the customer perception of service, surveys are also undertaken through independent agencies. The results of these audit and assessment of Quality of Service and surveys are also published on TRAI website for information of all stakeholders and action by service providers.
- (iii) In view of the growing concerns on call drops and other network issues, Drive Tests were conducted by Independent Agencies in Mumbai, Delhi, in June/July, 2015. Following these drive tests, meeting were held in TRAI with the Chief Executive Officers of mobile companies to finalize action points for improving network conditions including measures for reducing call drops. In this meeting the Chief Executive Officers of mobile companies assured TRAI of improvement in network conditions very shortly. The drive tests were repeated in these cities in September to assess the improvement in network conditions.

These drive tests reports show improvements in network conditions of some of the service providers. Also drive tests were held in Kolkata, Pune, Surat and Bhubaneswar in September 2015 to assess the network performance in these cities so that service providers could be persuaded to improve the performance. Another meeting with Chief Executive Officers in this regard to assess the progress in improving network conditions was held on 29th October, 2015.

- (iv) From the point of view of compensating consumers for dropped calls, TRAI had issued a Consultation Paper on compensation to the consumers in the event of dropped calls for comments of stake holders on 4th September 2015. After undertaking public consultations on this issue and keeping in view the comments received during public consultations and the interest of consumers, TRAI notified “The Telecom Consumers Protection (Ninth Amendment) Regulations, 2015 (9 of 2015) on 16th October 2015, to be effective from 1st January 2016. These regulations mandate originating CMTSPs to credit one Rupee for a dropped call to the calling consumers as notional compensation, limited to three dropped calls in a day (00:00:00 hours to 23:59:59 hours).
- (v) To create further deterrent against continuous non-compliance with the benchmarks, TRAI had recently notified “The Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Fourth Amendment) Regulations, 2015” on 15th October 2015, providing for increased Financial Disincentives.

Full Mobile Number Portability

Telecommunication Mobile Number Portability (Sixth Amendment) Regulations, 2015 dated 25th February 2015 for facilitating Full Mobile Number Portability (MNP) in the country

The Telecom Regulatory Authority of India (TRAI) issued 6th Amendment to the Telecommunication Mobile Number Portability Regulation, 2009 on 25th February 2015 facilitating Full MNP (PAN India Portability) in the country w.e.f. 3rd May, 2015.

Earlier TRAI made recommendations to the Department of Telecommunications (DoT) for implementation of Full MNP/National MNP and suggested amendments in the licences of MNP service providers and mobile service providers.

Accordingly, on 3rd November, 2014, the DoT had issued amendment(s) to the MNP License Agreement. As per the DoT, the Full MNP is to be implemented in the country within a period of 6 months from the date of amendment to the Licenses, i.e. 3rd May, 2015.

In view of the implementation of Full Mobile Number Portability, some changes were required in the MNP Regulations, 2009 (as amended). Accordingly, Sixth Amendment to the regulations was issued on 25th February 2015.

In order to effectively utilize the numbering resources, provision has been made in the regulations to reduce the time period for a ported mobile number, which has been disconnected due to any reasons, to return to the original service provider (to whom the number belongs) in 60 days time instead of 90 days prescribed earlier.

Subsequently, on requests received from TSPs, DoT vide its letter dated 5th May 2015, provided an extension of 2 months w.e.f. 3rd May 2015 for implementation of full Mobile number Portability. Full MNP was finally implemented w.e.f. 3rd July 2015.

Consumer Advocacy & Education

TRAI has instituted a procedure for registration of consumer bodies and organizations. These organizations are expected to co-ordinate and articulate consumer responses to TRAI's activities, and also assist TRAI in consumer education.

It shall be responsibility of every consumer organization registered with the TRAI to work for protection and propagation of the interest of the consumers. At present 52 Consumer Advocacy Group (CAGs) have been registered with TRAI and the details of these organizations are available on the website of TRAI. Regional Offices of TRAI are also interacting with these agencies, coordinating their activities and helping them to sort out consumer related issues with the Service Providers.

During the year 2015, TRAI organized 98 Consumer Outreach Programmes (CoPs) across the country. This includes 17 programmes on Broadcasting & Cable Services(involving interactions with MSOs & LCOs) and 3 on creating awareness and dispelling the apprehension of possible health hazards from EMF Radiations from mobile towers. In addition to CoPs, 5 Regional Workshops for Capacity Building of Consumer Advocacy Groups and Consumer Education were organized at Puducherry, Imphal, Udaipur, Vijayawada, and Ranchi. Through these interactive programmes, the customers were informed about the various regulations/

orders/directions issued by TRAI for protecting the interests of the consumers including the customer grievance redressal mechanism. Many key issues that arose out of these interactions with consumers in these outreach programmes have been addressed.

TRAI has released updated Consumer Handbook on Telecommunications in Hindi, English and 10 regional languages which are being distributed amongst the consumers & also to Registered Consumer Advocacy Groups for distribution in their respective areas. In addition to this, TRAI has also released the following Handbooks/leaflets in various regional languages for creating awareness among the consumers about the various issues related with Telecom & Broadcasting sector:

- (1) “Working for the Consumers”
- (2) “FAQ on Broadcasting & Cable TV Services”
- (3) “DOs & Don”Ts for Multi System Operators(MSO)
- (4) “DOs & Don”Ts for Local Cable Operators(LCO)
- (5) “DOs & Don”Ts for Local Cable Operators towards Subscribers.
- (6) “EMF Radiation from Mobile Towers-A Fact Sheet”

TRAI has also released a series of advertisements on Digitalization of Cable TV Services, Value Added Services & Mobile Number Portability in Hindi, English and 10 Regional languages across the country for creating widespread awareness among the consumers.

Interconnection

1. *The Telecommunication Interconnection Usage Charges (Eleventh Amendment) Regulations, 2015 dated 23rd February 2015*

TRAI issued an amendment to IUC Regulations presenting revised Domestic and International Termination charges. Domestic termination charges are the charges payable by a Telecom Service Provider (TSP) whose subscriber originates the call, to the TSP in whose network the call terminates. In the prevailing Calling Party Pays (CPP) regime, the calling party subscriber pays for the call to his TSP who, in turn, pays termination charges to the called party’s TSP to cover the interconnection/network usage costs. International

Termination Charges (ITC) are the charges payable by an International Long Distance Operator (ILDO), which is carrying calls from outside the country to a TSP in the country in whose network the call terminates.

Key features of the Regulations are as follows:

- (i) Mobile Termination Charge (MTC) for all calls originating and terminating in wireless network has been reduced from 20 paise per minute to 14 paise per minute;
- (ii) To promote investment in and adoption of wireline network as an effective vehicle for delivery of high speed internet in the country, the Authority has decided to prescribe Fixed Termination Charges (FTC) as well as MTC for wireline to wireless calls as zero. Accordingly,
 - (a) MTC for all calls originating from wireline has been set to zero;
 - (b) FTC for all calls originating either from wireline network or from wireless network has been set to zero;
- (iii) Termination charge for international incoming calls has been increased to 53 paise per minute from existing 40 paise per minute;

The Regulations became effective from 1st March, 2015.

2. ***The Telecommunication Interconnection Usage Charges (Twelfth Amendment) Regulations, 2015 dated 24th February 2015***

TRAI issued amendment to IUC Regulations presenting Domestic Carriage charges.

An Access Service provider in India can offer access services within the Licensed Service Area (LSA) only. Inter-LSA calls have to be routed through a National Long Distance Operator (NLDO). The charges to be paid by an access provider to the NLDO to cover the cost for carrying inter-LSA calls are called carriage charges. TRAI had prescribed the carriage charges through the Interconnection Usage Charges (IUC) Regulations dated 23rd February, 2006 which stipulated a ceiling of Rs. 0.65 (65 Paise) per minute. These charges were reviewed again in 2008/2009 but the same ceiling was retained.

Through these Regulations, the Authority has reduced the ceiling of the domestic carriage charge to Rs. 0.35 (Paise 35) per minute from the existing Rs. 0.65 (65 Paise) per minute.

The Regulations became effective from 1st March, 2015.

3. ***Amendments to the Interconnection Regulations relating to commercial subscribers dated 14th September 2015***

TRAI notified two amendments to the Interconnection Regulations on 14th September 2015 relating to TV services for commercial subscribers, one applicable for TV services being provided through analog cable TV systems (Non-CAS areas) and the other one applicable for TV services being provided through Digital Addressable cable TV systems (DAS).

II. RECOMMENDATIONS

SPECTRUM, EMERGENCY COMMUNICATION & RESPONSE SYSTEM, PRIORITY ROUTING OF CALLS, DIRECT TO HOME, FM RADIO, BROADBAND

Recommendations were made to the Government on diverse subjects including market structure and entry of new operators in the sector, the licensing framework and management of scarce resources such as spectrum, consumer safety and security, Integrated Emergency Communication and Response System and Priority routing of calls of the persons engaged in 'response and recovery'. Under this mandate, TRAI took action on the following matters during the year:

Spectrum

1. ***TRAI's response date 15th January 2015 to DoT reference for clarification/reconsideration of 'Recommendations on Valuation and Reserve Price of Spectrum: 2100 MHz Band' dated 31st December 2014***

The Authority sent its recommendations on 'Valuation and Reserve Price of Spectrum: 2100 MHz Band' on 31st December 2014 to the Department of Telecommunications (DoT). On 8th January 2015, the DoT sought clarifications/reconsideration on many of the recommendations.

After considering the comments given by the DoT, the Authority furnished its response to the Government on 15th January 2015. The Authority, has reiterated its earlier recommendations with detailed reasoning. These recommendations, inter-alia, include –

- (i) There is no change in the reserve prices for spectrum in the 2100 MHz bands from what were recommended earlier.
- (ii) The 15 MHz of spectrum in the 2100 MHz spectrum being vacated by Ministry of Defence should be auctioned in view of the in-principle agreement reached with MoD, even if it is not available immediately.
- (iii) The Authority reiterated that in the upcoming auction of 2100 MHz band spectrum, an auction-specific cap should be placed that no bidder would be permitted to bid for more than 2 blocks in an LSA if 3-4 blocks are available in that LSA.

(iv) It is the responsibility of the DoT to ensure that the spectrum being auctioned is either interference free or to share information upfront about the areas where interference is likely to occur so that the TSPs participating in the auction can take informed decision.

2. ***Clarifications / Reconsideration of Recommendations on ‘Working Guidelines for Spectrum Trading’ and ‘Guidelines on Spectrum Sharing’***

The Authority had sent its recommendations on ‘Working Guidelines for Spectrum Trading’ on 28th January 2014 and ‘Guidelines on Spectrum Sharing’ on 21st July 2014 to the Department of Telecommunications (DoT). On 27th April 2015, the DoT sought clarifications/ reconsideration on some issues on both the recommendations.

After considering the comments given by the DoT, the Authority has furnished its response to the Government on 21st May 2015.

3. ***TRAI’s response dated 17th November 2015 to DoT’s reference back on Recommendations on Allocation and Pricing of Microwave Access (MWA) and Microwave Backbone (MWB) RF Carriers dated 29th August 2014***

Based on the comments received from the stakeholders and further analysis and research, the Authority sent its Recommendation on ‘Allocation and Pricing of Microwave Access (MWA) and Microwave Backbone (MWB) RF carriers’ on 29th August, 2014 to DoT.

DoT vide its letter dated 16th October 2015 referred back some of the recommendations to the Authority for clarifications / reconsideration.

The Authority, after carefully going through the back reference, has noted that the main issue raised by DoT is regarding allocation methodology of MWA and MWB carriers on administrative basis. Primarily, the DoT has asked the Authority to reconsider its recommendations with regard to assignment of Microwave carriers on administrative basis, stating that as administrative allotment follows the principle of ‘first come first served’ and the same has been denounced by the Supreme Court in its judgement on the 2G case.

The Authority after due deliberations on the comments received from the DoT finalized and forwarded its response to DoT on 17th November 2015.

Adjusted Gross Revenue (AGR)

Recommendations dated 6th January 2015 on “Definition of Revenue Base (AGR) for the Reckoning of License Fee and Spectrum Usage Charges”

TRAI issued Recommendations on “Definition of Revenue Base (AGR) for the Reckoning of License Fee and Spectrum Usage Charges” on 6th January 2015.

The Authority took note of disputes / litigations between licensor and licensees on definition of Gross Revenue (GR) and Adjusted Gross Revenue (AGR) under licence(s) granted by DoT for different telecom services. Further, NTP 2012 portrayed the need to rationalize taxes, duties and levies impacting the Indian telecom sector. The Authority therefore, has *suo motu* decided to review the existing definition of Revenue, licence fee rate and other related matters. Further, there was also a reference from DoT (no. 800-23/2011-VAS of 7th July, 2014) requesting TRAI to submit recommendations for delinking of licensing of networks from delivery of services by way of virtual network operators, etc., including associated issues such as AGR, terms of sharing of passive and active infrastructure, etc., under the unified licensing regime.

The Authority issued a consultation paper on “Definition of Revenue Base (AGR) for the Reckoning of License Fee and Spectrum Usage Charges on 31st July 2014. An Open House Discussion was conducted on 1st October 2014 at New Delhi. After considering the comments received from the stakeholders and further analysis, the Authority has come out with its recommendations on the subject. A brief on salient features of the recommendations are given below:

- LF and SUC should continue to be computed based on AGR.
- GR shall comprise revenue accruing to the licenced entity by way of all operations/ activities and inclusive of all other revenue/ income on account of interest, dividend, rent, profit on sale of fixed assets, miscellaneous income etc. without any set-off for related items of expense.

- The concept of Applicable Gross Revenue (ApGR) has been introduced. ApGR would be equal to total Gross Revenue of the licensee as reduced by:
 - (i) Revenue from operations other than telecom activities/ operations as well as revenue from activities under a licence/ permission issued by Ministry of Information and Broadcasting;
 - (ii) Receipts from the USO Fund; and
 - (iii) Items of 'other income' as listed in the 'positive list' (Table 2.1 of Recommendations).
- No change is recommended in the existing definition of pass through charges (i.e. deductions) under different licences.
- Share of USO levy in LF should be reduced from the present 5% to 3% of AGR for all licences with effect from 1st April 2015.
- ISPs having AGR less than Rs. 5 crore in a year shall pay licence fee of Rs. 10 lakh or actual LF based on the applicable rate, whichever is less.
- Minimum presumptive AGR should not be made applicable to any licence(s) granted by Government for providing telecom services.
- Any netting of amounts paid to other entities should not be permitted for the computation of AGR.
- Intra-circle roaming charges should not be allowed as deduction from ApGR.
- Immediate steps should be taken by DoT to introduce a system of Licence Fee Deducted at Source (LfDS) w.e.f. 1st April 2015 and develop an e-portal for submission of LF and SUC by 1st April 2016.
- DoT should introduce a standardized process of verification with a unique code assigned to each item of revenue and PTC.

Emergency Communication and Response

Recommendations dated 7th April 2015 on implementation of “Single Number based Integrated Emergency Communication & Response System”

To facilitate establishment of an efficient and robust Integrated Emergency Communication & Response System (IECRS) in India, the Telecom Regulatory Authority of India (TRAI) has suo-motu issued recommendations on implementation of ‘Single Number based Integrated Emergency Communication & Response System (IECRS)’ on 7th April 2015.

The salient features of the recommendations are given below:

- i) Number ‘112’ be adopted as the single emergency number for India.
- ii) Calls made from a landline or mobile phone/device to the emergency number ‘112’ will be routed to a Public Safety Answering Point (PSAP), which are akin to a call centre.
- iii) The existing emergency calling numbers 100,101,102 and 103 to be retained as secondary numbers.
- iv) Access to IECRS to be permitted even from those mobile/landline phones where the outgoing call facility has been debarred or the service is suspended temporarily.
- v) Calls to the single emergency number should be prioritized in the cellular mobile networks.
- vi) SMS based access to IECRS should also be provided.
- vii) All Telecom Service Providers (TSPs) will have to provide location information and details of caller to the IECRS. For this purpose four regional database centres, one in each metro city, to be set up in the country. BSNL to setup and maintain these regional database centres.
- viii) There should be a multi-sectoral agency having representations from MHA, Department of Telecommunications (DoT), Department of Electronics and Information Technology (DEITY), Ministry of Health and Family Welfare (MHFW), Ministry of Women and Child Development (MWCD) and other concerned Centre and State agencies which can coordinate and help in setting up of IECRS in the country.

- ix) A trial version of PSAP based IECRS should be put in place as a prototype before full scale implementation.

The DoT vide its letter dated 25th August 2015 responded to the TRAI's recommendations seeking reconsideration/opinion/views of TRAI on some of the issues. Further, Ministry of Home Affairs (MHA) has recently released the guidelines for Nationwide Emergency Response System (NERS). It has also invited Request for Proposals (RFP) for selection of IT Service Provider (ITSP) for the project. Taking into consideration these developments, the Authority has formulated its opinion / views.

In its response to the DoT on 30th September 2015, the Authority desired that NERS framework may be implemented early. The Authority also re-iterated its recommendations for deciding on a sunset date for incorporation of GPS feature in all mobile handsets for having accurate location information of the caller.

Priority Routing of Calls

TRAI's response dated 8th April 2015 on "Telecom Network Failures during Emergencies/ Disasters – Priority routing of calls of persons engaged in 'response and recovery'"

During major disasters intense burst in telecom traffic congest networks resulting in call-blockages and lost-messages. During such times mostly the loss of infrastructure results in network congestion which can lead to failure of network elements.

The role of personnel involved in the rescue and relief operations is very critical during emergencies. Therefore, a system needs to be devised to facilitate such a mechanism which gives priority to these personnel on communication networks during emergencies.

In the aforesaid background, the Authority, *suo motu*, sent its recommendations on "Telecom Network Failures during Emergencies / Disasters-Priority routing of calls of persons engaged in 'response and recovery'" dated 26th November 2013 to the DoT after due consultation process. The Authority recommended that a priority call routing scheme should be instituted to ensure that calls of personnel responsible for 'response and recovery' during disasters are routed on priority.

The DoT vide its letter dated 10th November 2014 informed the Authority that a Committee was constituted in the DoT to examine the recommendations of the Authority dated 26th November 2013.

The DoT informed that the said Committee gave its report commenting on various issues recommended by the Authority. The DoT also sought TRAI's comments / views on the said Committee report.

After considering the report of the Committee, the Authority sent its response to the DoT on 8th April 2015.

Virtual Network Operators

Recommendations on 'Introducing Virtual Network Operators in Telecom Sector'

The Department of Telecommunications (DoT) through its reference dated 7th July 2014 had sought recommendations of TRAI on 'Introducing Virtual Network Operators in Telecom Sector'.

The Authority, issued its Recommendations on 'Introducing Virtual Network Operators in Telecom Sector' on 1st May 2015.

Virtual Network Operators (VNOs) are service delivery operators, who do not own the underlying core network(s) but rely on the network and support of the infrastructure providers for providing telecom services to end users / customers. VNOs can provide any or all telecom services which are being provided by the existing telecom service providers.

The salient features of the recommendations are:

- VNO be introduced through proper 'licensing framework' in the Indian Telecom Sector.
- The VNOs be permitted for all segments of Voice, Data and Video as well as for all services notified in the UL.
- VNO be introduced in the network based on the basis of mutually accepted terms and conditions between NSO and the VNO. the terms and conditions of sharing the infrastructure between NSO and VNO are left to the market to determine.

- VNOs be permitted to set up their own network equipment(s) where there is no requirement of interconnection with other NSO. However, they should not be allowed to own/install equipment(s) where interconnection is required with another NSO.
- Local Cable Operators (LCOs) and Multi Service Operators (MSOs) can become VNO and / or are permitted to share infrastructure with VNOs.
- For introduction of VNO in the sector, there should be a separate category of license namely UL (VNO). Like UL authorization, only pan-India or service area-wise authorizations may be granted under a UL (VNO) license.
- Duration for VNO licenses should be 10 years, extendable by 10 years at a time.
- There should not be a restriction on the number of VNO licensees per service area. Also there should be no restriction on the number of VNOs parented by an NSO.
- Customer verification and number activation shall be the responsibility of a VNO for its own customers.

Broadband

Recommendations dated 17th April 2015 on “Delivering Broadband Quickly: What do we need to do?”

Broadband penetration and adoption in the country is unsatisfactory. In the backdrop of this the Authority carried out a suo-motu consultation process on the issue of “Delivering Broadband Quickly: What do we need to do?” On 17th April 2015, TRAI issued its Recommendations on “Delivering Broadband Quickly: What do we need to do?”

The Broadband ecosystem consists of various sub-parts and therefore the recommendations pertain to the following:

- a) Spectrum (Availability, Roadmap, Institutional Revamping, Transparency, Pricing, Spectrum Trading/Sharing and Unlicensed Band)
- b) Right of Way (Single window clearance, National RoW Policy, charges etc.)
- c) NOFN (Institutional change, project implementation, sizing of Optical Fibre, Turnkey contracts).

- d) Towers (Single window, time bound clearance etc.)
- e) Fixed Line Broadband
- f) Cable TV
- g) Satellite
- h) Hosting of content in India
- i) Infrastructure sharing

Direct to Home

Recommendations / Clarifications dated 22nd January 2015 on the issue of use of DTH by Central and State Governments and guidelines thereon

Recommendations / Clarifications on the issue of Use of DTH by Central and State Governments and guidelines thereon were sent to the Government on 22nd January 2015. Salient features of the recommendations are:

- i. Non-commercial use of DTH, by the Central and State Governments, for educational purposes should be done through the Prasar Bharati route, through suitable agreements between Prasar Bharati and the concerned Central/ State Governments.
- ii. Prasar Bharati shall ensure that content dissemination through such non-commercial educational channels comply with the code and conduct of broadcasting established in India such as Programme code, AIR code etc. and the content disseminated through such channels should be such that it can form part of any regular Prasar Bharati channel.
- iii. As the transponder capacity is a scarce resource as on date, the allocation of transponder capacity to Central/State Governments for running DTH educational channels on a non-commercial basis should be done in a very careful and judicious manner. It should not lead to a situation where transponder capacity is kept idling on one hand when, on the other hand, Service Providers are kept waiting for the same, thereby adversely impacting the expansion and improvement of quality of their services.

- iv. The Authority reiterated its earlier recommendations regarding strengthening the maintenance of an arm's length relationship between Prasar Bharati and the Government and ensuring functional independence and autonomy of Prasar Bharati.

FM Radio

Recommendations dated 24th March 2015 on “Reserve Prices for auction of FM Radio channels in new cities”

The Recommendations on “Reserve Prices for auction of FM Radio channels in new cities” were forwarded to the Government on 24th March 2015. The salient features of the recommendations are:

- (i) The valuation of FM radio channels in 253 new cities has been worked out as a simple mean of the three valuation approaches. The approaches are based on the following variables:
 - Population of the city
 - Per capita Gross State Domestic Product (GSDP)
 - Listenership of FM Radio
 - Per capita Gross Revenue earned by the existing FM Radio operators.
- (ii) The reserve price of FM radio channels for each of the 253 new cities has been fixed at 80% of the valuation for each city.
- (iii) The recommended reserve prices for FM radio channels for each of the 253 new cities are given in the recommendations.
- (iv) For 11 cities of ‘Others category, having a population less than 1 lakh in the border areas of Jammu & Kashmir (J&K) and the North East (NE) region, the reserve price is kept at Rs. 5 Lakh for each FM channel in all these cities, as approved by the Cabinet in the Phase-III policy.

III. OTHER ISSUES

Consultations

1. ***Consultation Paper dated 6th February 2015 on “Reserve Price for auction of FM Radio channels in New Cities”***

The Consultation Paper titled “Reserve Price for auction of FM Radio channels in New Cities” was issued on 6th February 2015 seeking comments of the stakeholders on the issues related to estimation of the reserve prices for auction of FM Radio channels in 264 cities.

2. ***Consultation Paper dated 27th February 2015 on “Draft Tariff Order prescribing framework for commercial interoperability of Customer Premises Equipment (CPE) in DTH services”***

The Draft Tariff Order which prescribes a framework for commercial interoperability of Customer Premises Equipment (CPE) offered by the Direct-to-Home (DTH) operators to their subscribers, was issued on 27th February 2015 seeking comments / views of the stakeholders. Commercial interoperability provides for a viable exit option to the subscribers in case they want to switch operator/platform. The draft Tariff Order intends to strike a balance between the interests of the consumers and that of the service providers, as well as to curb piling up of e-waste on account of CPEs. The draft tariff order covers the following aspects:

- declaration of the price of all type of CPEs, installation & activation charges and applicable taxes on CPEs by the DTH operators.
- mandatory offering of standard scheme for all type of CPEs on a standalone basis by DTH operators, specifying separately the price of CPE, taxes, other charges etc;
- flexibility to DTH operators to offer other schemes;
- flexibility to DTH operators to offer brand new as well as refurbished CPEs;
- provision of buy-back/refund option in all the offered schemes, including bundled schemes for CPEs;
- mechanism for buy-back/refund in the standard and other schemes for CPEs;

- provision of lock-in period for the purpose of refund in the offered schemes for CPEs if the subscriber wants to switch from one operator to the other;
- applicability of buy-back/refund option for all types of offered CPEs;
- option for the DTH operators to redeploy the surrendered CPEs;
- mechanism for registration of request for surrender of connection;
- time-limit to settle refund/buy-back claims of the subscribers.

3. ***Consultation paper dated 14th July 2015 on “Tariff issues related to Commercial Subscribers”***

Consultation paper on ‘Tariff issues related to Commercial Subscribers’ was issued on 14th July 2015 seeking comments / views of the stakeholders on the following issues:-

- (a) Examine the need to classify subscribers of TV services into ordinary and commercial categories.
- (b) In case, subscribers are required to be classified into such categories, then:
 - (i) Examine various criteria for classification of subscribers of TV services.
 - (ii) Examine the need for differential tariffs amongst different subscriber categories.
 - (iii) Examine as who should prescribe the tariffs for different subscriber categories.
 - (iv) Examine adequacy of the present framework to ensure transparency and accountability across the value chain for commercial subscribers to ensure transparency and accountability in the entire value chain to effectively minimise disputes and conflicts among stakeholders.

4. ***Consultation Paper dated 30th September 2015 on “Draft Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff (Amendment) Order, 2015”***

As part of the consultative process, the draft Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff (Amendment) Order, 2015 proposing simplified “Twin Conditions”, was uploaded on the TRAI website on 30th September 2015.

Stakeholders have been requested to offer their comments/views latest by 14th October, 2015. Counter-comments, if any, may be submitted by 21st October, 2015.

5. ***Consultation Paper dated 26th November 2015 on “Valuation and Reserve Price for auction of right to use of Spectrum in 700 MHz, 800 MHz, 900 MHz, 1800 MHz and 2100 MHz, 2300 MHz and 2500 MHz bands”***

On 9th July, 2015, the Department of Telecommunications (DoT) communicated that the Government is planning for auction of right to use of spectrum in 700 MHz, 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz and 2500 MHz in the forthcoming auction. DoT requested the Authority to provide recommendations on applicable reserve price for auction of spectrum in 700 MHz, 800 MHz, 900 MHz, 1800 MHz and 2100 MHz bands for all service areas under the terms of clause 11(1)(a) of TRAI Act 1997 as amended. DoT also referred to its earlier reference dated 16th October, 2014 and requested the Authority to expedite the recommendations on applicable reserve price for 2300 MHz and 2500 MHz bands for all the service areas. Further, DoT vide its letter dated 6th November 2015, has sought the recommendations of the Authority on the liberalization of administratively allotted spectrum in the 900 MHz band.

In this regard, a Consultation Paper has been issued on 26th November 2015. In this consultation paper specific issues have been raised for consideration of stakeholders. The key issues raised are quantum of spectrum to be auctioned, spectrum block-size, Spectrum Cap, Roll-out obligations and methods to be used for valuation and estimation of reserve price of spectrum.

Workshops

1. ***Interactive Workshops on Tariff and reporting requirements with telecom service providers held in the month of August-September, 2015***

With a view to create awareness about the regulatory guidelines on tariff and reporting requirements thereof, separate workshops were held with each telecom service provider. Representatives of service providers from their various departments including Regulatory, Marketing, Sales, Finance, Revenue Assurance, Pricing, Billing, IT, Revenue Operations and Website Management, participated in the workshops. Apart from Presentation made by TRAI and by the service providers, detailed discussion on tariff related issues and live

demonstration of TSPs' websites were conducted with a view to enhance transparency in display of tariff information. Thirteen workshops were held on the following dates.

1.	Bharti Airtel Limited	17.08.2015
2.	Vodafone	19.08.2015
3.	Reliance	21.08.2015
4.	Idea	24.08.2015
5.	BSNL	28.08.2015
6.	Aircel	31.08.2015
7.	MTNL	01.09.2015
8.	Sistema Shyam (MTS)	02.09.2015
9.	Uninor	03.09.2015
10.	Tata	04.09.2015
11.	Tata Communications/Tikona Digital Ltd.	08.09.2015
12.	Videocon and QTL	10.09.2015
13.	Sify	16.09.2015

Other Activities

1) Publication of Technology Digest

New technology is constantly being developed and finds its applications in the technical systems that make up a telecommunications networks. However, keeping pace with advances in telecom technology becomes difficult for most telecom professionals. To identify and share new technology trends with industry, TRAI is publishing a technology bulletin called 'Technology Digest' which focuses on one technology aspect in every issue. During 2015 Technology Digest on

- (i) DOCSIS
- (ii) Internet of Things

2) Green Telecommunications:

TRAI is monitoring the implementation of DOT Direction on Green Technologies in Telecom Sector. In this regard, Carbon Footprint Reports of the NLDs/ILDs/ISPs and Access SPs including BSNL and MTNL upto 2014-15 has been received in TRAI.

3) MIS Project

The MIS Project was launched on pilot basis on 1st January 2014. MIS Project was conceptualized in TRAI securely receiving various reports from the Service Providers in electronic form. The project also helps in generation of various regular reports automatically in the required form. Generation of various dashboards which can provide summary information is included in the project. The project thus helps all the stakeholders in improving efficiency and accuracy. The specialized reports also can be generated as per the need from the data received from the stakeholders. Various issues which came during the pilot phase is being addressed.

4) Audit and Survey

TRAI has engaged independent agencies for auditing and assessing the performance of service providers on quality of service and also for assessing customer perception of service through survey.

TRAI also publishes information about the quality of service performance by service providers, the results of Audit and assessment of Quality of Service under taken by Independent Agencies and the results of survey under taken by independent agencies about customer perception of service through its website for the information of stakeholders. The publishing of quality of service related information has also been forcing the service providers to improve the quality of service performance and also to address deficiencies in meeting the benchmarks.

The audit work had been awarded to M/s IMRB, M/s TUV & SUD and M/s CS Datamation. The audit reports are uploaded on the website. The audit work for the period January to March and April to June 2015 was carried out and the same is uploaded on the website. Further, the audit work for the period July to September 2015 was carried out and the presentation of Audit Agencies have been completed.

After fresh tender, the Audit work has been awarded on zonal basis to M/s C S Datamation for South Zone, M/s IMRB for West & East Zone and M/s PhiStream Consulting Private Limited for North Zone on 9th September 2015 for carrying out the work of Audit & Assessment of Quality of Service w.e.f. 1st 1st October 2015.

The survey work had been awarded on zonal basis to M/s IMRB for East Zone, M/s VOICE for North Zone M/s Mott Mac Donald for West Zone and M/s Spectrum Planning

Ltd for South Zone. The survey work for the period December 2014 to May 2015 has been carried out & final Survey Reports of the Report were published on 7th September 2015.

5) TRAI-ITU Symposium on ‘ICT challenges for Smart Cities in India’ held on 27th March 2015 at New Delhi

The Government of India has initiated the process for setting up of a hundred smart cities across the length and breadth of our country.

Information and Communication Technology (ICT) being a critical and integrated component, has been at the core of “Smart and Sustainable” city models. The concerns of ICT stakeholders involved in setting up the policy and regulatory frameworks for implementation of Smart Sustainable Cities (SSCs) need to be addressed. It also requires developing requisite skills for leveraging ICT for efficient implementation of SSCs and defining the role to be played by each stakeholder. Therefore, the engagement of various stakeholders was felt necessary to understand the issues and build a forward looking approach.

After a training program on the issue conducted during 24-26 March, 2015, TRAI-ITU jointly organized a one day symposium on “ICT regulatory challenges in Indian smart cities” on 27th March 2015. The agenda of the symposium focuses on initiatives taken on Indian smart cities and discussed the issues / challenges being faced by the stakeholders. The symposium was focused on ICT regulatory issues in the proposed smart cities in India.

6) TRAI’s response dated 2nd July 2015 to DoT on issues relating to Spectrum Cap and minimum spectrum holding by Telecom Service Providers (TSPs) as follow up of Hon’ble Supreme Court’s interim order dated 14th May 2015

As a follow up of Hon’ble Supreme Court’s interim order dated 14th May 2015 in the Transfer Case (Civil) Nos. 43/2015 (WP No. 1635/2015 filed by M/s Reliance in Delhi High Court, 64/2015 (WP No. 53/2015 filed by M/s Reliance in Tripura High Court) and 65/2015 (WP No. 6176/2015) the DoT, through a letter dated 29th May 2015 requested TRAI to provide its comments on the specific issues related to Spectrum Cap.

The Authority in its response has, inter-alia, stated that:

- At present there is no need to modify the existing spectrum cap (50% of the spectrum assigned in each of the 800 / 900 / 1800 / 2100 / 2300 / 2500 MHz and 25% of the total spectrum assigned in all these bands put together in each service area).
- On the methodology of calculating the spectrum cap, the Authority opined that all spectrum assigned to the TSPs including any spectrum which was put to an auction but remains unsold, spectrum which was assigned but subsequently surrendered by the TSP or taken back by the Licensor and spectrum put to auction should be counted. However, any spectrum out of the above will not be taken into calculation, if the Government assigns it for non-commercial purpose e.g. assignment to Defence.
- The spectrum which may become available to the WPC/DoT for commercial use after its refarming from other users such as Defence at different point of time should not be counted for determining the spectrum caps until it is put to auction by the DoT.
- Government should not take back spectrum assigned to TSP even if it is less than 5 MHz in any band.

Directions

- i) ***Direction Dated 5th February 2015 to service providers to comply with the instructions issued by the Department of Telecommunications on Short Codes and use of special characters***

The Authority, vide its letter dated 04th July 2014, directed the service providers to furnish information on short codes in the prescribed format. In the reports received from the service providers, it has been noted that service providers have violated the instructions of the licensor on short codes and the provisions of the National Numbering Plan.

Further, TRAI, vide its Direction dated 5th February 2015 directed all the Unified Licence (Access Service), Unified Access Service Providers, Cellular Mobile Telephone Service providers on the use of short codes and special characters to:

- (a) comply with the instructions issued by the licensor vide its letter No. 16-7/2006-BS.II dated the 23rd May, 2006, Office Memorandum No. 16-3/2003-BS.II/Vol.VI dated the 30th November, 2006, Office Memorandum No. 16-3/2003-BS.II/Vol.VI

dated the 1st December, 2006 and letter No. 16-3.2003-BS.II/Vol.VI/441 dated 7th May, 2007;

- (b) comply with the provisions of sub-regulation (1) of regulation 10 of the Telecom Consumers Protection Regulations, 2012(2 of 2012);
- (c) publish on the main page of their website under the title 'Short codes and special characters', in the prescribed format, the details of services offered to the consumers and tariffs for such services and update immediately, information on any change therein; and
- (d) furnish to the Authority on quarterly basis, within ten days of the end of the quarter, commencing from the quarter ending March, 2015, information in the prescribed format.

ii) *Direction dated 2nd March 2015 to M/s Vodafone India Ltd. to discontinue use of level '111'*

Department of Telecommunications had issued the National Numbering Plan, 2003 wherein the number/prefix 111 to 115 have not been allocated for any type of services and have been kept as 'SPARE'.

The Authority observed from the advertisements on the website of M/s Vodafone India Ltd. that customers were being urged to call '111' to get internet settings on their handset for pre-paid data offers, postpaid 3G data packs, self help for data services, Blackberry internet offers and to find out the balance.

The Authority issued a Show Cause Notice dated 2nd February, 2015 to M/s Vodafone India Ltd. for violation of the National Numbering Plan, 2003.

The Authority examined the reply dated 18th February 2015 received from M/s Vodafone India Ltd in response to the aforesaid Show Cause Notice and was of the view that by using level '111' without the permission of the Department of Telecommunications, M/s Vodafone India Ltd. has contravened the provisions of National Numbering Plan. The Authority therefore vide its Direction dated 2nd March 2015 directed M/s Vodafone India Ltd. to discontinue use of level '111' and submit a compliance report.

iii) Amendment dated 27th March 2015 to Direction dated 2nd March, 2015 to M/s Vodafone India Ltd. to discontinue the use of level '111'

M/s Vodafone India Ltd., in its response dated 5th March, 2015, to Authority's direction dated 2nd March 2015 mentioned that it was listing the activities for the migration of their customer helpline from the existing level '111' to another level. Further, it expressed its intention to comply with the Direction dated 2nd March, 2015, however, from both the technical and customer experience aspects to complete all the necessary activities and ensure minimum customer inconvenience, it requested for grant of suitable time for migration and parallel working of both the old and the new code.

The Authority considered the request of M/s Vodafone India Ltd. and directed M/s Vodafone India Ltd. to submit the compliance report of the aforesaid Direction latest by the 30th April, 2015.

iv) Direction dated 5th January 2015 to Access Providers (Basic Telephone Service Providers, Cellular Mobile Telephone Service Providers & Unified Access Service Providers) and National Long Distance Operators regarding waiving off termination charges

Department of Telecommunications had forwarded a copy of the representation dated 17th September 2014 of M/s Aircel for waiving off the IUC termination charges, which an originating J&K operator had to pay to a terminating operator (of Pan-India service areas) for 2 days i.e. 10th September 2014 to 11th September 2014. The service provider mentioned that in the unprecedented emergent flood situation in J&K state during September 2014, M/s Aircel, as the major operator, provided 100% free local and national voice calling to all J&K customers for entire 2 days.

TRAI sought comments from Access Providers on this issue and after deliberations, agreed with the request for waiving off the termination charges. Accordingly a Direction was issued by the Authority on 5th January 2015 to all Access Service Providers and NLDOs, to waive off termination charges in respect of all calls made by their subscribers in the state of Jammu & Kashmir on 10th and 11th September, 2014.

v) Direction dated 16th April 2015 to all Access Service Providers

Disputes regarding ownership of the mobile numbers, after its porting from one service provider to another service provider, came to the notice of the Authority.

In order to strengthen the process of verification of the ownership of the mobile number under porting, the Authority invited the comments of the stakeholders on obtaining an undertaking of ownership of the mobile number from the subscriber at the time of porting. The Authority examined the comments received from the stakeholders and decided to mandate obtaining of an undertaking of ownership of the mobile number from the subscriber while submitting request for porting.

Accordingly, the Authority directed all Access Service Providers to incorporate in their porting request form an undertaking to be obtained from the subscriber seeking porting of his mobile number declaring that he is the owner of the said mobile number and in case the undertaking is found to be false, the said mobile number shall be disconnected.

vi) *Second Amendment dated 7th May 2015 to Direction No. 413-2/2014-NSL-I dated the 2nd March, 2015 to M/s Vodafone India Ltd. to discontinue the use of level '111'*

M/s Vodafone in its request dated 20th April, 2015 submitted a list of activities being undertaken by them for educating the customers about the new level 199 for the Help-line services and in view of the fact that the tapering of calls to level '111' would happen only gradually, it had requested for permission to operate parallel working of their Help-line service at the existing level '111' for a period of ninety days i.e. upto 31st July, 2015.

The Authority, after consideration, agreeing with the request, granted extension of time for submission of compliance and further directed to furnish the compliance report of the Direction dated the 2nd May, 2015 latest by 31st July, 2015 and take suitable action to inform the consumers regarding change in the Help-line number so that no inconvenience is caused to them.

7) Miscellaneous issues related to Telecom sector

- (i) TCCMS Portal: TRAI has launched the portal www.tccms.gov.in to facilitate Telecom Consumers in lodging their complaints with their service providers online and to monitor the status of redressal of their complaints. The portal has is being monitored.
- (ii) NCCP Portal: TRAI has launched the portal www.nccptrai.gov.in to monitor the implementation of TCCCPR Regulations in 2010. The portal is being used for monitoring the UCC Complaints.

- (iii) The implementation of the VAS Direction has drastically reduced the VAS complaints.(to 0.15% of the total VAS activations)
- (iv) An amount of Rs. 2.48 Crores has been received till date towards Penalty on Telemarketers
- (v) Empanelment of Auditors for 2015-16 was completed.
- (vi) Because of the regulations issued under TCCCPR, the UCC has drastically come down which was averaging around 7,000 per week to 2,000 per week.

8) Miscellaneous issues related to Broadcasting & Cable TV Sector

(i) *Frequently Asked Questions' on Digital Addressable Cable TV Systems*

Frequently Asked Questions' on Digital Addressable Cable TV Systems has been updated and uploaded on TRAI website on 07th April 2014 (English version) & on 16th April 2015 (Hindi version) respectively.

(ii) *DOs & DON'Ts for Multi System Operators (MSOs) & Local Cable Operators (LCOs)*

DOs & DON'Ts for Multi System Operators (MSOs) & Local Cable Operators (LCOs) in respect of Customers/Subscribers of Digital Addressable Cable TV Systems (DAS) has been uploaded on TRAI's website in English and Hindi languages.

(iii) *Report on Average duration, per hour, of Advertisements in TV Channels*

Report on Average duration, per hour, of Advertisements (both Commercial & Self promotional) in TV Channels during peak hours (7PM – 10PM) for the period intervening 23rd February 2015 to 1st March 2015, based on data, submitted by the broadcasters, was uploaded on the TRAI's website on 11th May 2015.

(iv) *Handbook titles "FAQs on Broadcasting and Cable TV services"*

The FAQs was uploaded on TRAI's website on 14th July 2015. The Handbook provides the consumer with a gist of relevant regulations & orders pertaining to Broadcasting & Cable TV Services. Salient aspects that are covered in this handbook include procedure for connections, disconnection, transfer, shifting, complaint redressal and billing aspect.

(v) Compliance of regulatory provisions prescribed in Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 and consumers Complaint Redressal (Digital Addressable cable TV systems) Regulations 2012

In this regard, a letter dated 31st July 2015 has been issued to 15 major MSOs to ensure compliance of the mentioned regulations by taking corrective actions at their end for the shortcomings pointed out in the letters & to intimate the action taken to the Authority.

(vi) Compliance with regulatory provisions prescribed in all the regulations / orders/ directions issued by TRAI pertaining to implementation of DAS

TRAI issued a letter dated 20th August 2015 to 179 Multi System Operators (MSOs) who have been granted registration by MIB after implementation of Phase-I & Phase-II of DAS to :-

- (a) read all the regulations /orders/ directions issued by TRAI pertaining to implementation of DAS and ensure to comply with the clause (ii) of the registration and to submit a Self Declaration in the prescribed format in this regard.
- (b) provide to TRAI within a period of 30 days, the details of their website including URL and Toll Free Number of the complaint Centre.
- (c) provide a copy of Manual of Practice (MOP) and Citizen Charter.

(vii) TRAI uploaded the following data on its website on 31st August 2015

- (a) Data relating to Average duration per hour of advertisement for pay non-news channels for the period 30th March to 29th June 2015.
- (b) Data relating to average duration per hour of advertisement for pay News Channels for the period 30th March to 29th June 2015.

(viii) Open House Discussion conducted on “Tariff Issues related to Commercial subscribers”

An open house discussion (OHD) was held on 18th August 2015 on “Tariff Issues related to Commercial subscribers” at New Delhi.

(ix) Self Audit & verification of subscriber's data entered into the Subscriber Management System by the MSOs operating in Phase-I and Phase-II of DAS areas

A letter dated 28th September 2015 was issued to 114 MSOs who are operating in Phase-I and Phase-II of DAS areas, to carry out a self audit & verify the data available in their Subscriber Management System (SMS) with each subscriber and make available a certificate in the prescribed format to TRAI within 30 days.

(x) Interaction of TRAI with MSOs and LCOs at Shimla

To increase the awareness about the regulatory framework notified by TRAI and implementation of DAS in Phase-III areas, TRAI held interactions with MSOs and LCOs at Shimla on 11th September 2015. The interaction was attended by large number of participants.



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