

## Aircel response to TRAI Consultation Paper on Review of Regulatory Framework for Interconnection.

Aircel welcomes TRAI's initiative to review the Regulatory Framework on Interconnection. Please find below our responses question-wise on the consultation paper

- Q1. Which amongst the following is the best option to ensure fair, reasonable and non-discriminatory terms and conditions of interconnection agreement between telecom service providers (TSPs), in view of the technological, market, licensing, regulatory and legal developments in the telecommunication services sector in India since 2002?**
- i. To amend the Telecommunication Interconnection (Reference Interconnection Offer) Regulation, 2002 taking into consideration the technological, market, licensing, regulatory and legal changes since the year 2002;
  - ii. To prescribe a Standard Interconnection Agreement, which must be entered into between interconnecting TSPs, in case they are unable to mutually agree on terms and conditions of interconnection agreement between themselves in a specified time-frame;
  - iii. To prescribe only the broad guidelines based on fair, reasonable and non-discriminatory principles and leave the details of the interconnection agreement to be mutually decided by the interconnecting TSPs in a time-bound manner;
- Or
- iv. Any other method.

**Please provide justification in support of your response**

**Aircel response:** RIO has to be made effective and enforceable with the principle of reciprocity for which necessary amended may be carried out.

- Q2. Whether existing interconnection agreements should also be allowed to be migrated to the new framework which will come out as a result of this consultation process?**

**Aircel response:** Yes, existing interconnection agreements should also be allowed to be migrated to the new framework but without any mandatory provisions.

- Q3. What should be the time-frame for entering into interconnection agreement when a new TSP with a valid telecom license places a request for interconnection to an existing TSP?**

**Aircel response:** Interconnect agreement are bilateral in nature. From this perspective, the provider obligation is to provide the draft agreement, which can be fixed (let's say 60 days). However, entering into agreement is dependent upon consent of seeker or in case any commercial discussion seeker wants. Hence, time frame can't be fixed.

- Q4. Which details should a new TSP furnish while placing request for entering into interconnection agreement? Please provide detailed justification in support of your response.**

**Aircel response:** New TSPs should furnish the following details for entering into interconnect agreement:

- (a) license details,
- (b) company details,
- (c) Docs pertaining to personnel authorized
- (d) Network resources allocated by DoT which would be part of interconnection,
- (e) Details of services which would flow on interconnection and their authorizations, if applicable.
- (f) Interconnection can be provided only to a licensee if it has established its own physical network (details to be provided accordingly by the seeker)

Q5. Should an interconnection agreement between TSPs continue to operate if an interconnecting TSP acquires a new license upon expiry of an old license? Alternatively, should fresh agreements be entered into upon specific request of either party to the interconnection?

**Aircel response:** It depends on the terms of the existing agreement. Parties should be free to decide bilateral agreements.

Q6. Whether it is appropriate to mandate only those TSPs who hold significant market power (SMP) in a licensed service area to publish their Reference Interconnect Offers (RIOs)? If yes, what should be the criteria for reckoning a TSP as SMP? If no, what could be the other approaches to streamline the process of interconnection in a fair, reasonable and nondiscriminatory manner?

**Aircel response:** SMP concept should be removed

Q7. Whether there is a need to continue with the present concept of interconnection seeker/ interconnection provider? If yes, what should be the criteria?

**Aircel response:** The seeker-provider concept must continue as per the prevailing practice, and there have not been any issues in past more than a decade and half.

Q8. Whether there is any need to review the level of interconnection as mentioned in the Guidelines annexed to the Telecommunication Interconnection (Reference Interconnection Offer) Regulation, 2002? If yes, please suggest changes along with justification.

Q9. In case interconnection for Inter-circle calls to fixed-line network continues to remain at Short Distance Charging Area (SDCA), should alternate level of interconnection be specified in cases of technical non-feasibility (TNF) at SDCA level?

**Aircel response:** Interconnection should be LSA based and sub levels of SDCA based POIs should be removed.

Q10. What should be the framework to ensure timely provisioning/ augmentation of E1 ports? Please provide full framework with timelines including the following aspects:

- (a) Minimum number of E1 ports for start of service;
- (b) Maximum time period for issuance of demand note by the interconnection provider;
- (c) Maximum time period for payment for demanded E1 ports by the interconnection seeker;
- (d) Intimation of provisioning of requested E1 ports by interconnection provider;
- (e) Space allocation for collocation of transmission equipment;
- (f) Maximum time period for establishment of transmission links by the interconnection seeker;
- (g) Maximum time period for acceptance testing;
- (h) Maximum time period for issuance of final commissioning letter by the interconnection provider; and
- (i) Maximum time period for start of traffic in the POI after provisioning/ augmentation of E1 ports for which payment has already been made.

**Aircel response:** Aircel suggests keeping the time period as 90 days as per existing TRAI direction. Further details of the agreement may be left between the parties.

Q11. Whether augmentation of ports be allowed at higher levels such as STM-1 in place of E1?

**Aircel response:** It is already allowed as per the current bilateral agreements and should not be mandated.

**Q12. What should be the criteria to ensure that inflated demand for ports is not made by interconnection seeker?**

**Aircel response:** Augmentation should be based on current capacity utilization of more than 70% during NBH consistently for last one week. The quantum of augmentation should be reasonable increase which should bring utilization in between the range of 50 to 70%. This way, one can ensure optimum utilization of expensive resources.

**Q13. In case the interconnection seeker agrees to bear the total cost of equipment required for augmentation in advance, should the interconnection provider give the requested ports irrespective of volume of traffic at POI?**

**Aircel response:** No. The network design should be left to provider network.

**Q14. Should separate time periods for provisioning of ports be prescribed for (i) fixed-line networks and (ii) mobile/ IP networks?**

**Aircel response:** No complexity should be introduced. Same time period should apply for both types of network.

**Q15. Whether financial disincentive should be imposed on TSPs for-**

- (a) not entering into interconnection agreement within a stipulated timeframe;
- (b) not providing initial POI;
- (c) not augmenting POI within stipulated timeframe;
- (d) for violation of any clause prescribed in the regulations.

**If yes, what should be the amount of such financial disincentives?**

**Aircel response:** No financial disincentive should be imposed. This is bilateral arrangement and TRAI should only issue broader guidelines to be followed.

Entire sector should not be put to test of regulations when the situation is mostly non-problematic between most of the TSPs.

**Q16. Whether there is a need to have bank guarantee in the interconnection agreement? If yes, what should be the basis for the determining the amount of the bank guarantee?**

**Aircel response:** No need to have Bank Guarantee since, the exposure would not be much on Net basis. BG unnecessarily increases cost of operation.

If TRAI recommends it, reciprocity should be made mandatory and its amount should be based on last 3 months IUC.

**Q17. What should be the method to settle Interconnection Usage Charges and how should the delayed payment between TSPs be handled?**

**Aircel response:** At the outset TSPs mutual interconnect agreements should govern this however, we support IUC settlement on Net basis and all operators including BSNL should move to settlement on Net basis.

**Q18. Whether interconnection and interconnection agreement should be service-specific or service-agnostic (i.e. a TSP can send any type of traffic on a point of interconnection which is allowed under the terms and conditions of the license given to it)? What are the advantages/ disadvantages of having service specific POIs when the TSPs are equipped with call data record (CDR) based billing systems?**

**Aircel response:** Should be left to TSPs to decide as per their mutual interconnect agreement. POIs should be service agnostic subject to mutual interconnect agreement.

**Q19. If POIs are merged together, what methods of discovery, prevention and penalization of any traffic manipulation by TSPs (whereby higher IUC traffic is recorded as lower IUC traffic in the CDR of the originating TSP) should be put in place?**

**Aircel response:** IUC billing is on TG basis if we have single/common TG, differential charging is not possible for Local/NLD/ILD calls. Separate TG's for different type of services with separate IC and OG to be built, which is same as we are equipped as on date.

**Q20. Which policy and regulatory measures are required to be taken to encourage TSPs to migrate to Interconnection at IP level? What should be the terms and conditions for interconnection at IP level?**

**Aircel response:** TRAI should prescribe guidelines for gradual and phase wise migration to IP to IP interconnection.

**Q21. Whether there is a need to establish a framework for Interconnect Exchange to eliminate bilateral interconnection issues? &**

**Q22. Is there any need for a separate framework for Interconnect Exchanges in view of the fact that the new NLDO authorization permits transit traffic to be carried over by NLDO?**

**Aircel response:** We support peer-to-peer mode for interconnection and differ with any Exchange mode for interconnection.

The operators already have an infrastructure (i.e. POI, bandwidth/fiber etc.) for existing peer-to-peer interconnection. This infrastructure has been created over the years, after extreme difficulty and incurring lot of cost because of laying of cables, Microwave, media, Right of Way permissions etc. We do not foresee any benefits from Exchange mode of Interconnection.

- (a) Besides, costs of carrying traffic from across LSAs would be prohibitive.
- (b) Capacity requirements at the national layer interconnect would be humungous.
- (c) Massive changes in the licensing regime, network architectures/capacities and render NLDO layer redundant.
- (d) Architecture challenges with creation of vulnerable single point of failure for all telecom networks.

**Q23. Whether access providers should be allowed to transit intra-circle calls?**

**Aircel response:** No, access providers should not be allowed to transit intra-circle calls.

**Q24. Under what circumstances, a TSP can disconnect POIs? What procedure should be followed before disconnection of POI?**

**Aircel response:** This should be governed as per mutual interconnect agreement. However, we recommend 30 days' notice to be given to both TSP as well as TRAI before disconnection on ground of non-payment.

**Q25. Is there a need to have a coordination committee to facilitate effective and expeditious interconnection between TSPs? If yes, who should be the members of the co-ordination committee? What should be the overall operating framework for the committee?**

**Aircel response:** TRAI already seeks POI report and also conduct meetings of corporate level SPOCs from concerned TSPs, to resolve issues. Same should continue. No need for more mechanisms.

**Q26. Is there any other relevant issue which should be considered in the present consultation on the review of regulatory framework for Interconnection?**

**Aircel response:** Interconnection for Emergency services should be regulated. It was directed by Hon'ble TDSAT vide its Judgment dated 31st July 2014 in petition number 10 of 2013 has asked for its consideration by Regulator.