



Telecom Regulatory Authority of India



Consultation Paper
on
Issues related to Closure of Access Services

New Delhi, 30th November 2016

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Written Comments on the Consultation Paper are invited from the stakeholders by 9th January 2017 and counter-comments by 16th January 2017. Comments and counter-comments will be posted on TRAI's website www.trai.gov.in. The comments and counter-comments may be sent, preferably in electronic form, to Shri Sanjeev Banzal, Advisor (Networks, Spectrum and Licensing), TRAI on the email ID advmn@traigov.in.

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I. Background

1. As per the Unified Licensing framework in vogue, to offer telecom access services, a company has to take authorization/licence service area wise¹. India has been divided into 22 service areas for award of access service authorisations and the validity period of the license awarded is 20 years from the effective date of the licence. The Access Service licensee can broadly offer wireline services, wireless services, Internet services and leased line services within the licensed service area.
2. To keep pace with the market developments, licensing framework has been evolving ever since first Cellular Mobile Telephone Service (CMTS) licence was granted in 1994 for provision of cellular services. From 2003 to 2008, Unified Access Service Licence (UASL) was issued for providing access services with a validity period of 20 years. Spectrum assignment was linked with CMTS/UASL licences. The spectrum was assigned based on the choice technology (GSM or CDMA) by the TSP for provision of mobile service. The licensees were neither permitted to sell their spectrum holding nor change the technology they had deployed using the assigned spectrum band. Only way to exit from the business was to either surrender the licence or through Merger & Acquisition (M&A) of licences. Practically, there was no exit option for such licensees. Therefore, continuity of service was almost assured for the subscribers till the expiry of these licenses.
3. Since 2012, spectrum assignment has been de-linked from the licence, i.e. grant of license no longer ensures availability of spectrum. TSPs are required to obtain access spectrum through auction process. The access spectrum acquired through auction is treated as liberalized

¹ Licensee has the choice to take Unified License (All Services) authorization also, which encompasses all services including Access Services.

spectrum i.e. technology agnostic spectrum. TSPs that hold administratively allocated spectrum have option to get the same liberalized by paying specified fees/charges and use such liberalized spectrum for deploying technology of their choice during the currency of spectrum held.

4. In the year 2013, Unified Licence (UL) with service authorizations was introduced. To provide wireless services, a company has to take UL with Access Services authorization. A provision was introduced in the UL, which permits a licensee to close any of the services it is authorised to provide, by following a specified procedure.
5. Next major development happened in 2015 when spectrum trading was permitted. Spectrum trading guidelines permit a licensee to trade its partial or complete spectrum holding² for entire licensed service area, after two years of assignment of the spectrum. Since cost of spectrum is a substantial part of the investment made by a licensee providing wireless services, spectrum trading guidelines has provided an exit option to the licensee.
6. Due to the changes in policy for assignment of licence, spectrum management and the beginning of expiry of licences granted 20 years ago (first licence was granted in 1994); there is now a possibility of closure of services to the subscribers by an access service provider. Recently, there have been cases where due to trading of spectrum and upgradation of technology, there has been discontinuity of services to the subscribers. Certain issues arose due to these events. Therefore, the Authority, *suo-motu*, decided to examine these issues through this Consultation Paper.

² The licensee needs to pay the latest market determined price, if the spectrum has been acquired before 2010 or in 2013 auctions to make it tradable.

II. Why Continuity of Access Service is not assured now?

7. As per the licensing framework in vogue, a company has to take Access Service authorization under UL. It has to acquire spectrum through auction separately. UL permits a company to take Access service authorization for any/select service areas or acquire pan-India authorisation for all Services under UL, but spectrum acquisition and its administration is done Service Area wise.

(i) Licensee opting not to renew its licence

8. When the UASL/CMTS licences given earlier are due for expiry, the licensee has an option to take UL with Access Service authorisation. Since the spectrum assignment for access services is through auctions only, the licensee, on expiry of license, has to bid for the spectrum, if it wants to continue providing access services. As such, there is no certainty of the continuance of service provided by an access service provider at the time of expiry of its licence. In fact, there is a possibility that an incumbent access provider may be willing to continue to provide access services to its subscribers but fails in re-acquiring its spectrum at the time of expiry of its licence and its subscribers may be required to migrate to other access service providers. It is also possible that a licensee decides not to renew its license upon its expiry and would cease to provide its services. Similar situation was created when Loop Mobile, an Access Service Provider in Mumbai, decided not to renew the CMTS licence and, therefore, ceased to provide its services with effect from November 29, 2014.

(ii) Licensee failing to re-acquire its spectrum holding in a spectrum band

9. It is quite possible that the licensee, having administratively assigned spectrum in 900/1800 MHz band, may have acquired some spectrum through auction in some other bands also e.g. 2100 MHz. In that case,

the licensee can continue to serve its subscribers even if it fails to re-acquire spectrum in 900/1800 MHz band when its UASL/CMTS licence was due to expire. In such case, migration of subscribers may be required if the spectrum acquired through auction by the licensee does not support same technology (i.e. GSM) which it was providing till the expiry of its licence. Similar situation happened, when the UAS licence assigned to M/s Reliance Telecom Limited (RTL) in Assam, Bihar, Odisha, North-East and West Bengal service areas expired on 11th December 2015. RTL could not re-acquire 900 MHz spectrum in these Service Areas through auction and decided not to use spectrum acquired in the 1800 MHz band through auctions in North-East and West Bengal for deploying GSM technology. As an alternative, it offered services to its subscribers using 3G technology in 2100 MHz spectrum, acquired in 2010 auctions. Those subscribers, not willing to migrate to 3G technology, were left with no choice but to migrate to other service providers or closure of their services.

(iii) Change of Technology deployed by Licensee

10. The auctioned spectrum is a liberalised spectrum. Existing CMTS/UAS/UL with access service authorisation licensees can liberalise their existing spectrum holding in 800 MHz/900 MHz/1800 MHz band for the balance validity period of spectrum assignment after payment of auction determined price prorated for the balance validity period of the spectrum assignment. There are no restrictions on the technology to be deployed for providing services within the scope of the service licence using liberalised spectrum blocks with certain conditions³. The Access Service provider can decide to change the technology during the course of its licence. If the Access Service provider decides to change the technology, its subscribers will also need to migrate either to the new technology or to other access service

³ For use of technology other than GSM, CDMA, WCDMA and LTE, prior clearance will be required to ensure that harmful interference is not caused to the already operating technologies either in the same band or in the adjacent bands.

provider. It happened in recent months when RCOM decided to change the use of its 800 MHz spectrum from CDMA technology to LTE technology in some service areas. Subscribers, who were not willing to migrate to LTE technology, were left with no choice but to either migrate to other Service Provider or close their services. Other subscribers who opted to remain with RCOM with upgraded technology, were required to have a handset with LTE capability.

(iv) Roaming arrangement coming to an end

11. Presently, to ensure network coverage to its subscribers, some TSPs have entered into intra-circle roaming (ICR) arrangements with other TSPs providing mobile services using the same technology. In such arrangements, there exists a seeker-provider relationship between the TSPs (provider is the TSP whose network is being used by subscribers of other TSP i.e. seeker). In case this arrangement comes to an end due to any reason, it becomes a problem for the seeker-TSP as its coverage area may shrink and its subscribers' experience would get affected adversely. This could force the seeker-TSP to close its services in part of the LSA. Similar situation arose with Sistema Shyam Teleservices Ltd with MTS brand, which was having ICR-arrangement with RCOM to provide CDMA services in some service areas. Since RCOM closed down its CDMA service consequent upon migrating its subscribers to LTE technology, MTS found it difficult to serve its CDMA subscribers in certain parts of LSAs and as a result, sought permission to close its CDMA services in a few districts of LSAs.

(v) Sale of entire spectrum holding through Spectrum Trading

12. Spectrum Trading guidelines permit a licensee to trade its partial or complete spectrum holding. It provides an exit option to an access service licensee by which it can trade (sale) its entire spectrum holding. However, on or before the effective date of trading of its entire spectrum, it has to close its access services. As a result, its

subscribers are left with no choice but to migrate to other TSPs, if they want to retain their mobile number.

III. Issues and Challenges when Services are discontinued

(i) No provisions in Service Licence for discontinuance of service

13. As can be seen from clause 10.3 of UASL, there is only a provision of surrender of licence. Similar provision exists in CMTS licenses as well. However, there is no provision of discontinuance of service under a UASL or CMTS licence.

Clause 10.3(b) of UASL

“LICENSEE may surrender the LICENSE, by giving notice of at least 60 Calendar days in advance. In that case it shall also notify all its customer of consequential withdrawal of SERVICE by sending a 30 Calendar days notice to each of them. The LICENSEE shall pay all fees payable by it till the date on which the surrender of the LICENCE becomes effective. The effective date of surrender of Licence will be 60 Calendar days counted from the date of receipt of such notice by the licensor.”

14. As mentioned earlier, UL holder is allowed to discontinue any of the service under a Service Authorisation with intimation to the licensor, TRAI and its subscribers **(Clause 30.3(b) of UL)**.

Clause 30.3(b) of UL

“Licensee may discontinue any of the service, under a Service Authorization, to its subscribers, by giving notice to Licensor and TRAI of at least 60 Calendar days in advance with reasons. In that case it shall also notify all its subscriber by sending a 30 Calendar days notice to each of them. The effective date of discontinuity of Service will be 61st Calendar days counted from the date of receipt of such notice by the Licensor. The Licensor reserves the right to reject such request.”

15. Further, due to recent developments as discussed in the earlier paragraphs, in case a TSP liberalises its spectrum holding in any band, there appears to be a need to introduce similar clause in other access service licences viz. CMTS and UASL.

16. It is possible that a licensee may continue to provide the access services but change the technology deployed. For example, recently RCOM migrated from CDMA to LTE services. It may not be termed as closure of access services, but if the subscribers are not willing to change their mobile device (handset/dongle), then from such subscribers' perspective, it has the same effect as closure of access services. Therefore, the issue arises as to how to deal with the situation when the services being provided by a particular technology are going to be discontinued due to change/upgradation of technology and is likely to result in the closure of access services for some subscribers unless they are ready to pay the price i.e. tariff change and/or change of mobile device. Should it also be treated as equivalent to closure of access services and the same provision as specified in the clause 30.3(b) of UL is made applicable to the access licensees in such cases also?

17. In view of the above, issues for consultation are:

Q.1 Is there a need for modification of the UASL and CMTS licences in line with Clause 30.3(b) of UL, for those licensees who have liberalized their administratively allocated spectrum?

Q.2 Should discontinuation of services being provided through a particular technology, say CDMA, be treated same as discontinuation of any of the service under a Service Authorisation as per Clause 30.3(b) of UL? Please provide details along with justification.

Q.3 What other conditions in these licenses be modified so as to keep pace with the developments? Please justify your answer.

(ii) Issues specific to spectrum trading

18. In its recommendations on 'Working Guidelines on Spectrum Trading' dated 28th January 2014, the Authority had recommended 'Process of Spectrum Trading' in Para 2.20, part of which is reproduced below:

“ii. Both the trading parties shall jointly give a prior intimation of 6 weeks before the effective date of the trade to the WPC.....”

v.the WPC may object to the trade and inform the reasons of objection to the trading parties in writing within a maximum period of two weeks from the date of intimation of spectrum trade.

vi. The trading parties will reply to the WPC within a maximum period of two weeks from the date of receipt of intimation regarding the objection from the WPC. The WPC will take a final decision and communicate within the next two weeks to the trading parties.....”

vii. The WPC shall update its record regarding transfer of spectrum within a maximum time of two weeks after the effective date of trade.

viii. Intimation regarding the trading shall be provided by the buyer and seller to the Licensor, TRAI and any other relevant agencies prescribed by the Government from time to time within 30 days from the effective date of transfer of spectrum.

19. The Spectrum Trading guidelines issued by the Government on 12th October 2015 only spell out that both the licensee shall jointly give a prior intimation for trading the right to use the spectrum at least 45 days before the proposed effective date of trading. However, these guidelines do not spell out other time-limits. Joint intimation *per se* does not provide guarantee for trade of spectrum to actually take place on proposed effective date as it is subject to the fulfilment of many conditions; some of them as given in the Spectrum Trading Guidelines are quoted below:

- The seller shall clear all its dues prior to concluding any agreement for spectrum trading. (Provision 11 of the guidelines)
- Where an issue, pertaining to spectrum proposed to be transferred, is pending adjudication before any court of law, the seller shall ensure that its rights and liabilities are transferred

to the buyer as per the procedure prescribed under law and any such transfer of spectrum will be permitted only after the interest of the Licensor has been secured. (Provision 12)

- The buyer should be in compliance with the prescribed spectrum caps declared from time to time. (Provision 16)
- A TSP will be allowed to sell the spectrum through trading only after two years from the date of its acquisition through auction or spectrum trading or administratively assigned spectrum converted to tradable spectrum. (Provision 17)
- A licensee shall not be allowed to trade the spectrum if it has been established that the licensee has breached the terms and conditions of the licence and the Licensor has ordered for revocation/termination of its licence. (Provision 29)

20. As per the present guidelines, there is no time limit defined for Wireless Planning and Coordination (WPC)/DoT to object to the proposed spectrum trade or for the TSP to comply with the objections raised, if any. As a famous quote says ‘there’s many a slip twixt the cup and the lip’, the spectrum trading agreement may not materialize either due to some objection from DoT’s side or the trading partners (TSPs) themselves may decide not to go further with the trade. Therefore, the TSP cannot be sure about the fate of trading until its intimation is taken into its record by the DoT for which there is no time limit mentioned in the guidelines.

21. If the TSP is selling its entire spectrum in the LSA and intends to discontinue its access services being provided to its subscribers, it is required to give notice to Licensor and TRAI of at least 60 Calendar days in advance with reasons before discontinue any of the service, under a Service Authorization, and also notifying its entire subscriber by sending a 30 Calendar days notice to each of them. However, if the licensee is not sure about the fate of its spectrum trading proposal, how a licensee could comply with this requirement is an issue that needs to be examined.

22. If a TSP, in anticipation of selling his spectrum through Spectrum Trading, informs to subscribers about closure of its services; many of them would start porting-out immediately. It may happen that the Spectrum Trading does not eventually take place and bulk of the subscribers port-out. When the subscribers are intimated by their TSP about closure of services and the TSP urges them to port-out to any other TSP of their choice to retain their number and continue using it, the subscribers would try to port-out as soon as possible because nowadays mobile number has become very important and is being used as an identifier of the user. In the process, the subscriber may have to forgo his talk-time balance in case of prepaid subscription or advance amount paid in case of postpaid/prepaid subscription.
23. To deal with the issues raised in the preceding paras, one option could be that the 60 Calendar days advance notice to Licensor and TRAI; and 30 Calendar days advanced notice to its subscribers is given by the TSP only after the spectrum trading is taken into records by DoT/WPC. Further, in order to give more time to the subscribers to port-out, notice period of minimum 30 days to subscribers may also be kept as 60 days. To facilitate this, the TSP will have to be allowed to use its spectrum under trade for this extended period after the trade is taken into its record by DoT. This is likely to provide sufficient time to existing prepaid subscribers to consume their balance talktime/tariff benefits such as free data. However, in this extended period, TSP may not be allowed to enrol new subscribers and acquire subscribers through mobile number portability Port-INS in that LSA.

Q.4 Stakeholders are requested to comment upon:

(a) Is there a need to define a time-limit for DoT to take into its records the prior intimation given by TSPs regarding the spectrum trading? Please suggest time-lines for different activities within the Spectrum Trading Process.

(b) Should the advance notice period to subscribers' be enhanced from 30 days period to say, 60 days, in case of closure of services so that a subscriber has sufficient time to consume his talktime balance? Please provide justification to your response.

(c) If a TSP is selling its entire spectrum in the LSA and intends to discontinue its access services being provided to its subscribers, should the TSP give the 60 days' advance notice to Licensor, TRAI and its subscribers, only after the spectrum trading is acknowledged by DoT/WPC as suggested in Para 23?

(d) Give any other suggestion to improve the existing Spectrum Trading Process.

(iii) Issues related to Mobile Number Portability (MNP): Process for bulk porting-out of the subscribers

24. In today's world, mobile number is very important because it is also being used as an identifier and mode of communication for verification of subscriber by various agencies, banks, institutions, websites, etc. MNP is meant to provide an option to the subscriber who is not satisfied with the services of its TSP or is shifting his base from one LSA to another LSA, to switch to another TSP without changing his number. Therefore, process of MNP is subscriber-initiated.

25. In recent past, on many instances, MNP process has also been used for large scale porting-out of subscribers when the services being rendered by a TSP were going to be discontinued. Some practical difficulties have been experienced in this process. These are discussed in the following paras.

a) Lack of proper Communication to the Subscribers

26. As discussed earlier, a TSP may close access services being provided by it due to various reasons such as its inability to win-back spectrum on expiry of its licence, its decision to change the technology during the course of its licence or to trade of its entire spectrum holding, etc. As a result of this, the subscribers will have to be informed timely by the TSP so that its subscribers can avail the option of porting to other TSPs in a timely and transparent manner.
27. If the closure of access services is due to TSP migrating its access network to newer technology, there are two possible choices for the subscribers; (a) To stick with the existing TSP and migrate to the newer technology or (b) Port-out to other TSP providing the technology supported by his/her mobile device. If a subscriber decides to continue with its existing TSP, he may get better data services but, at times, may also require replacing the mobile device that supports the new technology. The subscriber is likely to be asked to choose a new tariff plan and may also have to forgo the tariff benefits he/she is currently availing. In the 2nd case, the subscriber will be able to use its existing mobile device but would have to opt for a new tariff plan and would essentially forgo the tariff benefits he/she is currently availing. The TSP who is migrating to a new technology, will naturally try to retain all its existing subscribers through their migration to new technology that it is deploying. It is quite likely that it may not bring out all the options to the notice of its subscribers and messages communicated by the TSPs to the subscribers may be incomplete.
28. In all such situations, there should be a proper procedure so that the subscribers are transparently informed about the various choices available to them and their implications.

b) Not all subscribers are able to port-out till the date of closure of Services

29. Even after communication through multiple mediums such as SMS, web-site, press release etc., not all subscribers become aware of the imminent closure of their existing services and such subscribers are not able to port-out. Even after getting the information, for one reason or other, there may be some subscribers who may not be able to port-out and are left with no option but to forgo their mobile numbers and talk time balance (in case of pre-paid subscription). Whatever be the reason, once they fail to migrate to another TSP on or before the due date of closure of service, they lose their right to retain their mobile numbers under present rules.
30. TRAI has received several complaints wherein the subscribers have complained that they did not receive adequate communication from their service provider and their mobile number has been disconnected. Losing one's mobile number is a serious issue, which needs to be addressed. Extending the time period given to the subscribers to port-out (say 60 days) could be one option so that subscriber is duly informed and can consume his balance (in case of pre-paid subscription). However, in cases where the subscriber does not get any communication or clear communication from the TSPs, this mechanism may not serve the desired purpose. Another option could be to specify in detail the mode(s) of communication to inform the subscribers viz through letters in English and vernacular languages, advertisement in print in electronic media and issuance of public notices, etc.

c) Recently acquired subscribers ineligible for Port-out

31. As per the Telecommunication Mobile Number Portability Regulations, 2009⁴ (hereinafter referred as MNP Regulations) a subscriber holding a mobile number is eligible to make a porting request only after 90 days of the date of activation of his mobile connection. If a number is already ported once, the number can again be ported only after 90 days from the date of the previous porting. The minimum period has been specified so as to enable the service provider to recover the customer acquisition cost.
32. As per the MNP Regulations, verification of time-period since activation of a new mobile connection is part of functions of the Donor Operator; whereas the Mobile Number Portability Service provider (MNPSP) verifies from its Number Portability Database whether the mobile number has been ported earlier and, if so, whether a period of ninety days has elapsed from the date of its last porting.
33. When a TSP gives 60 days prior notice to DoT/TRAI and 30 days prior notice to its subscribers regarding closure of services; a subscriber can port-out only if it had remained with the TSP for a duration of minimum 90 days. However, there will be many subscribers who might have either ported-in or acquired new mobile connection of that TSP within less than 90 days. To enable such subscribers to port-out, one option could be to do away with the lock-in period of 90 days in case of closure of services or change of technology by any TSP.
34. Another option could be to shift the provision of verification of time-period since the last porting to the Clause 12 of the Regulations which deals with the grounds for rejection of porting request by Donor Operator, Donor operator would not reject the porting irrespective of

⁴ http://tra.gov.in/content/VerReg/154_0_9.aspx

time-period of last porting, if the porting is being done due to reasons beyond control of the subscriber i.e. closure of services.

d) Losing out tariff protection and other tariff benefits at the time of change of technology deployed by the service provider

35. The Telecommunications Tariff Order (TTO), 1999 provides the following provision w.r.t. tariff protection:

“A tariff plan once offered by an Access Provider shall be available to a subscriber for a minimum period of SIX months from the date of enrolment of the subscriber to that tariff plan. However, any tariff plan presented, marketed or offered as valid for any prescribed period exceeding six months or as having lifetime or unlimited validity in lieu of an upfront payment shall continue to be available to the subscriber for the duration of the period as presented in the plan and in case of lifetime or unlimited validity plan, as long as the Service Provider is permitted to provide such telecom service under the current license or renewed validity, the service provider shall inform the subscribers of the month and year of expiry of his current license.”

36. As per the above provision of TTO 1999, tariff protection is required to be provided for the duration of the period as presented in the plan/scheme as long as the service provider is permitted to provide such telecom services under the current licence or renewed validity. As the spectrum is liberalized, the licence allows a TSP to change/upgrade the technology during the validity of the license. It needs to be examined that whether tariff protection should be extended if a subscriber chooses to remain with the same TSP with the newer/upgraded technology. Similar would be the case where a subscriber enters into a contract for a specified period by way of paying advance rental, one-time payment etc. Further, for prepaid subscribers, it needs to be examined that whether any unused core talk-time balance should be forwarded along with the remaining validity when a TSP changes the technology deployed to provide services.

e) Requirement of additional codes for generating UPC for all the subscribers

37. In order to port-out mobile numbers to other TSPs, the subscribers are required to generate unique porting code (UPC). The UPC consists of 8 characters of which the first two characters denote the service provider code and service area code as specified by the Authority and in the last 6 characters contains digits other than '0'. As a result, at any given point of time, about 5 lakh UPCs can be generated by a TSP in a service area. When large numbers are required to be ported out, such as in case of closure of service, additional codes are required to be assigned the TSP on a temporary basis so that the UPCs can be generated for all the subscribers by the licensee.

38. In view of the foregoing discussions, following issues arises for consultation:

Q.5 What mechanism should be put in place to ensure that subscribers are informed about the closure of services/change of access technology transparently and effectively by the TSPs? Should TSPs be directed to follow a specified mode of communication(s) as detailed in para 30 for informing subscribers or what could be other mode of communications?

Q.6 Will it be appropriate that the responsibility of verification of time-period elapsed since the last porting (i.e. 90 days period) be shifted from MNPSP to the Donor Operator so that subscribers' port-out requests are accepted irrespective of his age on network in case of closure of services?

Q.7 In case a TSP changes the access services technology and asks his subscribers to migrate to newer technology, should the tariff protection, carry-over of unused talk-time balance and benefits

be extended to such subscribers upon migration to new technology for the contracted period?

Q.8 How much time period should be given to the subscribers to port-out after closure of commercial services i.e. for how long the system should remain active to facilitate porting? Should the validity of the UPC in such cases coincide with such time period?

Q.9 What other changes should be made in the MNP Regulation to ensure smooth bulk porting-out of the subscribers in the event of closure of access services or change of access technology by any TSP?

Please provide justifications to your answers.

IV. Review of the definition of Mobile Number Portability

39. 'Mobile number portability' has been defined in the Telecommunication Mobile Number Portability Regulations, 2009 as:

“Mobile Number Portability means the facility which allows a subscriber to retain his mobile telephone number when he moves from one Access Provider to another irrespective of the mobile technology or from one cellular mobile technology to another of the same Access Provider.”

40. The above definition covers the instances wherein a subscriber wants to change one cellular mobile technology to another of the same TSP. In the liberalisation regime this condition of change of technology may not be relevant. Further, technologies are now overlapping and subscribers cannot be categorised technology-wise. Subscribers can continuously roam from one technology to another. For instance, when LTE network is not there, subscribers fall-back to lower speed network. If the mobile number can be retained across the technologies provided by the same TSP, it needs to be examined that will it be

appropriate to exclude the technology change within a licensee (TSP in a given LSA) from the definition of MNP?

Q.10 Will it be appropriate that the change of technology within a licensee (TSP in a given LSA) be removed from the definition of MNP?

V. Can there be an alternative mechanism for bulk transfer of all the subscribers from one TSP to other TSP(s)?

41. As discussed above, MNP is a subscriber initiated process. Its use for bulk porting-out of the subscribers results in certain issues, as discussed above, arising out of large scale porting-out of subscribers of any particular TSP whenever the services being rendered by that TSP are going to be discontinued. Various reasons as to why this bulk porting-out is required have been discussed earlier in this document. These reasons are beyond the control of the subscribers. As has been seen in such recent exercises, subscribers in large number, due to one reason or other, are not able to port-out and lose their mobile number. It results in unresolved grievances. Increasing the time period to port-out, evolving proper communication mechanism etc. can help in reducing number of such subscribers who don't port-out in time; but none of these measures can ensure that there won't be any left outs. Therefore, the moot point of discussion here is that can there be any **alternative mechanism** which facilitates the bulk transfer of all the subscribers from one TSP to other; particularly those subscribers who have not been able to port-out before the closure of services?

42. Stakeholders are requested to comment on the following:

Q.11 Is there a need for an alternative mechanism to MNP for bulk transfer of subscribers from one TSP to other TSP(s)? If yes, please give suggestions.

- Q.12 Should a TSP be allowed to transfer its subscribers, who have not been able to port-out to other TSPs before closure of service, to another TSP whenever the services being rendered by that TSP are going to be discontinued? What can be associated issues and challenges? Please provide details.**
- Q.13 If there are any other issues relevant to the subject, stakeholders may submit the same, with proper explanation and justification.**

VI. Issues for Consultation

- Q.1 Is there a need for modification of the UASL and CMTS licences in line with Clause 30.3(b) of UL, for those licensees who have liberalized their administratively allocated spectrum?**
- Q.2 Should discontinuation of services being provided through a particular technology, say CDMA, be treated same as discontinuation of any of the service under a Service Authorisation as per Clause 30.3(b) of UL? Please provide details along with justification.**
- Q.3 What other conditions in these licenses be modified so as to keep pace with the developments? Please justify your answer.**
- Q.4 Regarding spectrum trading process, the Stakeholders are requested to comment upon the following:**
- (a) Is there a need to define a time-limit for DoT to take into its records the prior intimation given by TSPs regarding the spectrum trading? Please suggest time-lines for different activities within the Spectrum Trading Process.**
- (b) Should the advance notice period to subscribers' be enhanced from 30 days period to say, 60 days, in case of closure of services so that a subscriber has sufficient time to consume his talktime balance? Please provide justification to your response.**
- (c) If a TSP is selling its entire spectrum in the LSA and intends to discontinue its access services being provided to its subscribers, should the TSP give the 60 days' advance notice to Licensor, TRAI and its subscribers, only after the spectrum trading is acknowledged by DoT/WPC as suggested in Para 23?**

(d) Give any other suggestion to improve the existing Spectrum Trading Process.

- Q.5 What mechanism should be put in place to ensure that subscribers are informed about the closure of services/change of access technology transparently and effectively by the TSPs? Should TSPs be directed to follow a specified mode of communication(s) as detailed in para 30 for informing subscribers or what could be other mode of communications?**
- Q.6 Will it be appropriate that the responsibility of verification of time-period elapsed since the last porting (i.e. 90 days period) be shifted from MNPSP to the Donor Operator so that subscribers' port-out requests are accepted irrespective of his age on network in case of closure of services?**
- Q.7 In case a TSP changes the access services technology and asks his subscribers to migrate to newer technology, should the tariff protection, carry-over of unused talk-time balance and benefits be extended to such subscribers upon migration to new technology for the contracted period?**
- Q.8 How much time period should be given to the subscribers to port-out after closure of commercial services i.e. for how long the system should remain active to facilitate porting? Should the validity of the UPC in such cases coincide with such time period?**
- Q.9 What other changes should be made in the MNP Regulation to ensure smooth bulk porting-out of the subscribers in the event of closure of access services or change of access technology by any TSP?**
- Q.10 Will it be appropriate that the change of technology within a licensee (TSP in a given LSA) be removed from the definition of MNP?**

- Q.11 Is there a need for an alternative mechanism to MNP for bulk transfer of subscribers from one TSP to other TSP(s)? If yes, please give suggestions.**
- Q.12 Should a TSP be allowed to transfer its subscribers, who have not been able to port-out to other TSPs before closure of service, to another TSP whenever the services being rendered by that TSP are going to be discontinued? What can be associated issues and challenges? Please provide details.**
- Q.13 If there are any other issues relevant to the subject, stakeholders may submit the same, with proper explanation and justification.**

(Please provide justifications to your answers)