



Vodafone Response to TRAI Consultation Paper on 'Data Speed Under Wireless Broadband Plans' dated 01.06.2017

We support transparency measures which provide adequate information to the consumers to make an informed choice.

PREFACE

A. TSPs cannot commit to a specific/minimum/average Wireless Data speed due to various constraints

1. TRAI is aware that there are a series of **network and user related factors** that are unique to the nature of wireless technologies that could have an impact of the download speeds that are experienced by the consumer. These include:
 - a. **Variability in access environment** – user experience will vary whether the usage environment is indoor, outdoor, at a distance from or close to the BTS, etc. Unlike fixed data networks, in a mobile network that is used for voice and data, the end user is highly mobile, and hence his experience of speed is highly dependent on the radio conditions. As we know and understand, RF conditions vary significantly based on obstructions, height, vehicular traffic, indoor/outdoor penetration losses and other reasons, which are beyond the control of a service provider. Hence guaranteeing a minimum download speed for the user will not be possible.
 - b. **Network load** - Number of subscriber browsing internet at the same time, peak /offpeak experience will vary, type of data traffic, etc. In events of high user densities (stadiums, conferences, hotel events etc.), the capability of the network is stretched to the maximum, and even with significant capacity augmentation, it becomes very difficult to provide a minimum speed to the user.
 - c. **Device related constraints** –user experience is highly dependent on the capability of the handset used, applications running on the device, etc. On the same network, a user using two different handsets of different capability will experience the network differently.
 - d. **Traffic management** - The 2G/3G/4G networks are used simultaneously for voice and data. Voice being a real time service, is given priority in case there is a resource crunch, which will have an impact on the end user data experience.
 - e. **Other points in the internet Eco-system** - The end user data experience is also dependent on the content accessed and therefore the content provider setup (infrastructure, dimensioning of number of users accessing his page at the same time etc.). For example, you will have certain websites (news portals during election



results, cricket websites during important cricket matches, railway booking websites during morning hours etc.) which will be simultaneously accessed by a large number of people, which will affect the end user experience. The mobile network does not have a role to play in this affecting of the user experience.

2. The Actual speed available to or experienced by the customer will thus vary depending upon any or all of the above factors that are dynamic and beyond the control of TSP.
3. In view of the above there are several technical, practical, extraneous constraints that make it difficult to commit to a specific/minimum/average Wireless Data speed.
4. These constraints have also been noted by TRAI in para 3 of its explanatory memorandum to the 1st amendment dated 24.07.2014 to the QoS wireless data regulations as also in the present consultation. These are very real and practical constraints and these have not been refuted by the TRAI.
5. In view of the above, we respectfully submit that it is not possible to commit a specific/minimum/average that will be experienced by the customers.
6. Further, the consumers are more concerned about their experience on Web and Video rather than Download speed etc. We are constantly working to improve this experience.

B. Existing information transparent and NO commercial exploitation of Data Speeds

1. As an TSP we do not advertise or acquire customers on the basis of our wireless data speeds. Considering the technical factors beyond our control, we generally provide the wireless data speeds on an 'as is, where is' basis. There is no commercial claim on the any specific /minimum/maximum/average speed which consumers would experience.
2. The general practice in tariff construct (Prepaid STVs/CVs or postpaid add-on packs etc) across TSPs is to provide some quota with the said tariff construct which would not be charged and post consumption of which, either the speed is reduced through a fair usage policy or else charging is done with speed at 'as is, where is' basis or combination of both.
3. In all such tariff constructs, the data quota, fair usage policy or charging post quota, is transparently made available to the consumers as per TRAI's Regulations, Tariff orders & Directions.
4. Please also note that there is no specific /minimum/maximum/average speed provided by network basis a tariff construct (except fair usage policy).Therefore, the



existing information related to a tariff construct, is transparent enough consumers to make an informed choice.

5. We believe that a enforcement of data speeds being offered by a particula TSP would only arise if the said TSP was advertising such data speeds and acquiring customers on that basis.
- C. We would like to comment upon certain contentions stated in the Consultation Paper, which in our opinion do not hold good, details of which are given as follows:
1. Citing CUTS report, TRAI has mentioned *“Non-disclosure of provisions of services like data speed, contract terms, latency, etc, are a matter of concern for consumers, which influence consumer satisfaction.”*
 - a. In our view, contract terms, tariff propositions etc. are static information, which are being disclosed to consumers in a transparent manner.
 - b. On the other hand, data speed, latency etc are dynamic information and most of the times beyond the control of TSPs, and can differ even at same point in time with different location or even at same location in different times. Disclosure of data speed being experienced by consumer, cannot be committed /specified by TSPs for the various reasons highlighted above and thus cannot be informed as generic information to the consumers
 2. Under para no. 1.9, it has been mentioned that *“Another issue that arises is that when disclosures are made they may not be in a form that can be easily understood by the consumer. For example, the widespread imposition of download limits or caps expressed in Megabytes or Gigabytes does not give consumers a clear understanding of how much content they can actually download.³ The use of misleading advertisements by service providers further compounds these problems. Use of terms like ‘up to’ for data speeds has become a common occurrence although the theoretical speeds are rarely delivered.”*
 - a. TRAI has quoted 2008 report for this whereas the present scenario has completely changed. Due to high competition and proliferation of 4G services, most of the high selling packs and plans contain data volume in terms of GBs, which today, is well understood by consumers.
 - b. Further, as per TRAI’s Telecom Consumer Protection Regulations, 2012 TSPs are providing data usage alerts, both in-session and post completion of session, which clearly provides information to consumers about the data quota used and left.



- c. Secondly, as far as we are aware, there has not been any instance of misleading advertisements with regard to data speeds that has been observed by us. In our view, any tall claims about data speeds if made by any TSP, are bound to lead consumer dissatisfaction if the actual speed experience is different from the speed that is being proclaimed. However, as far as we are aware, no TSP is presently committing /assuring a specific wireless broadband data speed being offered by it
3. Under point no 1.11, *"The coexistence of competing mobile telecommunications standards can also contribute to technological complexity and consumer confusion. At present, service providers are selling SIM cards in the name of the underlying technology i.e. 2G/3G/4G. However, no speed whatsoever is being guaranteed by the service providers and not all consumers are aware of the difference between them."*
 - a. In this regard, we would like to clarify that 2G/3G/4G SIMs are being made available as per consumer choice and requirement as per their device. It may please be noted that the SIM which is used to latch onto 4G networks/technology, can also be used to latch on to 2G and 3G thus, is agnostic to available technologies.

D. No external Speed measuring app should be mandated on a TSP:

1. In our view, while it would not be legally proper for TRAI to mandate or support any external speed testing app and the same should be left to the choice of individual consumers.
2. Vodafone has its own speed test app for their own subscribers and we believe that most TSPs have also got their respective speed testing apps for their own subscribers.
3. Regarding TRAI's Myspeed app, in our view, it is imperative that the architecture and working of TRAI Myspeed app as well as details of its developer, commercial considerations etc should be put in public domain, in interest of increased transparency. There have been instances of issues noticed in TRAI Myspeed app, which can be addressed by adopting a collaborative approach on the same. We also request that TRAI must share the raw data with the TSPs.
4. Further, the process of timely version upgrade of TRAI Myspeed app to match all devices, different operating systems and UIs, should be made available publicly to assess and provide our inputs on the same.
5. Even if TRAI mandates or comes with procedure of publishing Myspeed, it is important to note that the results that will be shared by TRAI will not be of the network speed being provided by a TSP's network, but an amalgam of various points of the internet eco-system that cumulatively results in the actual speed being experienced by a



subscriber. We believe that it is important for TRAI to also create awareness of these factors for the consumer that their actual experienced speed depends upon various factors, including:

- The network speed of their service provider
- The handset /device being used by them
- The speed of the server /website being use /visited
- Use of content delivery networks, local caches, etc by the content provider
- etc

E. Transparency - towards own subscribers or towards subscribers of other TSPs

1. In our view, transparency in services should be towards the subscribers of TSPs itself and not towards subscribers of other TSPs. This can be achieved by having apps developed and launched by TSPs for their network and subscribers.
2. We already have our own data speed measurement app and would intend to promote to users for measuring speed.
3. In respect of transparency inter se service providers wrt wireless broadband speeds, we believe that the same may be achieved through the TRAI MySpeed app keeping in mind our suggestions /submissions above

ISSUE-WISE RESPONSE:

Our question-wise response is as follows:

Q1: Is the information on wireless broadband speeds currently being made available to consumers is transparent enough for making informed choices?

Vodafone Response:

- a. It is our understanding that due to the constraints regard committing /specifying a particular wireless broadband speed as highlighted above, no TSP is acquiring customers on the basis of a specified /committed wireless broadband speed.
- b. We believe that the present information being made available by us to consumers is transparent enough for consumers make informed choices basis different tariff constructs being made available to them. Data speed is not being commercially exploited at this stage and due to various reasons explained in preface above including the technical factors, no maximum/average/minimum speed being received by consumer can be made available as it would not serve the purpose and make the situation more complex.



Q2: If it is difficult to commit a minimum download speed, then could average speed be specified by the service providers? What should be the parameters for calculating average speed?

Vodafone Response:

- a. It is submitted that committing to/specifying an average download speed will face the same constraints as are applicable in case of minimum download speed.
- b. These constraints have also been recognized and recorded by TRAI and the same have not been refuted. Thus, in our view, it is not technically possible to commit regarding the download speed being experienced by the consumers due to various extraneous factors and constraints.

Q3: What changes can be brought about to the existing framework on wireless broadband tariff plans to encourage better transparency and comparison between plans offered by different service providers?

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Q5: Should disclosure of average network performance over a period of time or at peak times including through broadband facts/labels be made mandatory?

Vodafone Response:

- a. As explained above in preface, we believe that there is enough transparency in the existing information being made available to the consumers with regard to wireless broadband tariff plans so that they are able to make an informed choice.
- b. We believe that transparency with regard to data speeds should be required only in the event that the service provider is acquiring customers /advertising based on specific commitments around broadband speed.
- c. Further, most service providers are providing a speed test functionality to their own subscribers to test the speed that is being experienced by them at a particular point in time. The Vodafone Speed test is available on its MyVodafone app platform for its subscribers to measure their broadband speed experiences.
- d. There is also the TRAI MySpeed App that was developed by TRAI to provide information with regard to broadband speeds inter se service providers. We understand that this app was developed recognizing the constraints that TSPs face with regard to wireless broadband speeds.



- e. We believe that this app of TRAI needs to be made more robust and transparent and also operated in an equitable manner. Further, we believe that the TRAI should also inform/educate customers that the wireless broadband speeds being experienced by them depend upon a number of factors that are beyond the control of the service providers.
- f. In addition to the above, there are also several speed test apps that are available in the market that can be used by customers at any point in time to measure the speed that is being experienced by them. We understand that the TRAI is meeting the various app providers in order to understand the working and functionality of the respective apps.
- g. We therefore submit that transparency and comparison between plans offered by different service providers with respect to wireless broadband speeds should only be required if a TSP is advertising a specified broadband speed in order to acquire customers.
- h. We also note that the sample broadband label that is given by TRAI in the consultation carries the disclaimer that "individual experience may vary.' We believe that this proves our point that TSPs, who are only one component in the internet chain, cannot guarantee the end user experience. Such a disclaimer, in fact negates whatever data points that are given in the sample label, thus raising questions about the utility of the entire exercise.

Q4: Is there a need to include/delete any of the QoS parameters and/or revise any of the benchmarks currently stipulated in the Regulations?

Vodafone Response:

- a. The TRAI is aware that at present, no QoS parameters/benchmarks have been specified for 4G.
- b. We have, in response to the TRAI consultation on Review of Network Related Quality of Service Standards for Cellular Mobile Telephone Service dated 5 August 2016, submitted that in principle, a technology agnostic approach, wherever possible, is desirable.
- c. We believe that this fundamental issue needs to be addressed first before seeking inclusion /deletion of any QOS parameters.
- d. It is thus first to be decided by TRAI whether the QOS parameters will be applied/specified in a technology neutral or technology specific manner.
- e. Further, this issue would be more relevant in the context of a QOS benchmark consultation, rather than the present consultation which is with respect to transparency and consumer awareness. The TRAI itself has stated that through the present Consultation Paper the



Authority intends to seek the inputs of stakeholders on ensuring transparency and customer awareness regarding data speeds under wireless broadband plans.

Q6: Should standard application/ websites be identified for mandating comparable disclosures about network speeds?

Vodafone Response:

- a. We believe that it will be undesirable and untenable for TRAI to endorse /mandate any specific websites /apps for disclosures about network speeds.
- b. As submitted above, the TRAI has developed its own MySpeed app and we believe that awareness on its own app may be done by TRAI. We also reiterate that there is a need for the functioning of the app to be made available transparently to both the service providers as well as the consumers.

Q7: What are the products/technologies that can be used to measure actual end-user experience on mobile broadband networks? At what level should the measurements take place (e.g., on the device, network node)?

Vodafone Response:

- a. The consumer is only concerned with the end network speed that is experienced by him. This, we have explained earlier is an amalgam of various external factors in the internet ecosystem.
- b. Such speed can be tested through various speed test apps that are already available to the consumer, as highlighted above.
- c. Taking a measurement at any one end-point will not serve the purpose that is sought to be achieved by TRAI in the present instance as the same will provide an incomplete information.

Q8: Are there any legal, security, privacy or data sensitivity issues with collecting device level data?

a) If so, how can these issues be addressed?

b) Do these issues create a challenge for the adoption of any measurement tools?

Vodafone Response:

- a. There needs to be level playing field between all stakeholders in this regard.



- b. TRAI is aware that the legal, security, privacy or data sensitivity rules are different for different players in the internet ecosystem. These need to be harmonized and applied in an equal manner. TRAI should ensure that TSPs/ISPs are not disadvantaged and should recommend that the rules for TSPs /ISPs should be aligned with those applicable to other internet players.

Q9: What measures can be taken to increase awareness among consumers about wireless broadband speeds, availability of various technological tools to monitor them and any potential concerns that may arise in the process?

Vodafone Response:

- a. We believe that the TRAI should create awareness about its MySpeed app as also transparently share how what information is being gathered, how it is being processed and how the end result is being achieved /calculated.
- b. Such transparency will increase the confidence of both the service providers as well as the consumers in the MySpeed app.
- c. The service providers can also inform/popularize their own speed test apps to their own subscribers.
- d. As regards the other speed test apps that are available in the market, we believe that the information regarding and use of the same should be left to the individual choice of subscribers and use of the same should not be endorsed by either the TRAI or any TSP.

Q10: Any other issue related to the matter of Consultation.

- a. No comments

**New Delhi
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