



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार /Government of India



DIRECTION

Dated: 20th December, 2017

Subject: Direction under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 and regulation 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), in order to facilitate Mobile Number Portability for the subscribers pursuant to notice of surrender of License given under clause 10.3 of Unified Access Service in licensed service areas of Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Maharashtra and Uttar Pradesh (West) by M/s Aircel Ltd. and M/s Dishnet Wireless Ltd.

No.116-22/2017-NSL-II- Whereas the Telecom Regulatory Authority of India [hereinafter referred to as the Authority], established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as TRAI Act, 1997), has been entrusted with discharge of certain functions, *inter-alia*, to ensure compliance of terms and conditions of license; regulate the telecommunication services; protect the interests of service providers and consumers of the telecom sector;

2. And whereas the Authority, in exercise of the powers conferred upon it by section 36, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11, of TRAI Act, made the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) (hereinafter referred to as regulations);

3. And whereas M/s Aircel Ltd. and M/s Dishnet Wireless Ltd. (both collectively referred to as Aircel Group) vide its letter No. AL/DoT/2017/99 dated 1st December, 2017, informed the surrender of License under clause 10.3 of Unified Access Service in six licensed service areas of Gujarat, Maharashtra, Haryana, Himachal Pradesh, Madhya Pradesh, and Uttar Pradesh (West) with effect from sixty days from the date of notice of surrender i.e. 1st December, 2017;

4. And whereas M/s Aircel Group vide their letter, referred to in para 3 above, informed that in view of the constant licensing and regulatory changes in the last 7-8


20.12.2017

years and the hyper competition now prevalent in the telecom industry, they find it extremely difficult and economically unviable to run their business operations in the aforementioned six circles and constrained to surrender the licenses herewith;

5. And whereas the M/s Aircel Group vide their letter, referred to in para 3 above, also mentioned that all customers will be notified of the consequential withdrawal of services by a thirty calendar day notice as per clause 10.3 of the license and the Unique Porting Codes will be timely generated in compliance with the Telecommunication Mobile Number Portability Regulations, 2009;

6. And whereas, in its subsequent communication vide letter No. Aircel/TRAI/Corr/2017/138 dated 11th December, 2017, M/s Aircel Group requested the Authority to issue instructions to approve all such mobile number portability requests from the subscribers where a period of ninety days has not elapsed from the date of activation into the network of M/s Aircel in the six licensed service areas mentioned in para 3 above and also issue additional codes for generation of Unique Porting Codes for Maharashtra and Himachal Pradesh service areas as their subscriber base exceeds one million in both these LSAs;

7. And whereas it has been noted that the subscribers, in the six licensed service areas referred to in para 3 above, acquired recently by M/s Aircel Group and those who have ported into its network from other operators in the last ninety days shall not be able to port out to other operators as per the present provisions of the regulations and therefore, require exemption from this ninety days restriction to facilitate the porting out of such subscribers;

8. And whereas pursuant to the surrender of license by M/s Aircel Group in aforementioned six licensed service areas, a large number of subscribers, both prepaid and postpaid, will be inconvenienced and forced to port out their mobile number to other service provider of their choice and some of the subscribers may not be able to port out by the sun set date as intimated by M/s Aircel Group or may not be willing to do so;

9. And whereas under normal circumstances, the balance prepaid amount would have been utilized by the prepaid subscribers before porting out of their mobile number but due to pre-mature closure of services, the unspent prepaid balance


20.12.2017

amount shall remain with the licensee in the form of recharge coupon or plans and also unspent balance left by the subscribers who would not be able to port out by the sun set date as intimated by M/s Aircel Group or may not be willing to port out their numbers to other networks;

10. And whereas discontinuation of mobile access services as intimated by M/s Aircel Group shall render substantial number of subscribers of M/s Aircel Group without mobile access service and network with effect from sun set date i.e. 30th January, 2018, as intimated by M/s Aircel Group;

11. And whereas regulation 18 of the regulations, *inter-alia*, provides that the Authority may, from time to time, issue such directions as it may deem fit to the service providers on any aspect of Mobile Number Portability for which provisions have been made in the regulations;

12. Now, therefore, in exercise of the powers conferred upon it under section 13, read with sub-clause (i) and (v) of clause (b) of sub-section (1) of section (11), of TRAI Act, 1997 and regulation 18 of the Mobile Number Portability Regulations, 2009 (8 of 2009), the Authority, in order to protect the interest of subscribers of M/s Aircel Group and to facilitate the mobile number portability, hereby directs –

(a) M/s Aircel Group to –

- (i) generate Unique Porting Codes (hereinafter referred to as UPCs) with existing service provider code 'D' for all the subscribers in Gujarat, Haryana and Madhya Pradesh licensed service areas and communicate UPC to the subscribers through SMS immediately;
- (ii) generate UPCs with service provider codes 'F', 'G', 'H' and 'K' in addition to the existing service provider code 'D' for all the subscribers in Maharashtra licensed service area and communicate UPC to the subscribers through SMS immediately;
- (iii) generate UPCs with service provider code 'F' in addition to the existing service provider code 'D' for all the subscribers in Himachal Pradesh and UP (West) licensed service areas and communicate UPC to the subscribers through SMS immediately;
- (iv) keep all the UPCs generated pursuant to this direction and UPCs generated prior to the date of this direction which are valid on that date, valid till 23:59:59 hours of 10th March, 2018;


20.12.2017

- (v) not reject any porting-out request of its subscribers whose activation of mobile number in the network of M/s Aircel Group is of less than ninety days;
- (vi) issue public notice of minimum size of 12 cm X 12 cm, within three days of issue of this Direction, in at least two daily newspapers registered with Registrar of Newspapers for India, Govt. of India in all the licensed service areas mentioned in the subject above, out of which one newspaper should be in Hindi or English language and another newspaper should be in regional language;
- (vii) issue public notice on the main page of its website with minimum font size of 20, informing its subscribers regarding extension of validity of UPCs till 23:59:59 hours of the 10th March, 2018 and to port out their mobile number to any other telecom service provider till the 10th March, 2018;
- (viii) furnish by 26th December, 2017, status of the number of prepaid and postpaid subscribers as on 30th November, 2017, in the MS excel format given below for all the licensed services areas referred to in the subject:-

LSA	Total subscribers in HLR	Number of mobile subscribers (Prepaid)	Number of mobile subscribers (Postpaid)

- (ix) furnish monthly subscriber –wise information of unspent balance amount in MS excel format below for all the ported out prepaid subscribers, w.e.f. the date of Direction i.e. dated 20th December, 2017 till 10th March, 2018:-

LSA	MSISDN (Mobile number)	Date of porting	Balance amount of recharge of all kind (voucher/plan) left with M/s Aircel.

[Note: Data for the month of December, 2017 to be submitted by 1st January, 2018 and data for the month of January, 2018 by 1st February, 2018 and data for the month of February and March, 2018 by 11th March, 2018]

- (x) furnish by 20th March, 2018, subscriber –wise information in the MS excel format given below for all the prepaid mobile numbers which could not be ported out and total unspent amount of such pre-paid mobile subscribers till 10th March, 2018:-

LSA	MSISDN (Mobile number)	Balance amount of recharge of all kind (voucher/plan) left with M/s Aircel.


20.12.2017

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(xi) furnish compliance report of this direction to the Authority by 20th March, 2018 together with the details of the number of subscribers successfully ported out and remaining subscribers who could not port out and reasons thereof;

(b) all Telecom Service Providers and Mobile Number Portability Service Providers to recognize additional UPCs with service provider codes as 'F', 'G', 'H' and 'K' in addition to the existing service provider code 'D' for the licensed service areas as mentioned in sub-para (a) (i) to (iii) above for the subscribers of M/s Aircel Group;

(c) Mobile Number Portability Service Providers to:-

- (i) allow porting out of subscribers of M/s Aircel Group of the licensed service areas as mentioned in sub-para (a) (i) to (iii) respectively with 'age on network' less than ninety days; and
- (ii) not to accept requests for porting of mobile numbers of licensed service areas as mentioned in sub-para (a) (i) to (iii) above of M/s Aircel Group as Donor Operator after 10th March, 2018.


20.12.2017

(Syed Tausif Abbas)

Advisor (Network, Spectrum and Licensing)

To,
All Access Service Providers and MNPSPs

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