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MahanagarDoorsancharBhawan
JawaharLal Nehru Marg
New Delhi - 110 002

Ref: **ACTO Response to TRAI's Consultation on Traffic Management Practices (TMPs) & Multi-Stakeholder Body for Net Neutrality dated 2nd January, 2020**

Dear Sir,

We express our sincere thanks to the Hon'ble Authority for bringing this consultation paper on Traffic Management Practices (TMPs) & Multi-Stakeholder Body for Net Neutrality.

ACTO is pleased to provide its responses to the issues posed in the captioned Consultation Paper.

We hope that our high level comments (enclosed as Annexure – I) will merit the kind consideration of the Hon'ble Authority.

Respectfully submitted,

Yours sincerely,

for Association of Competitive Telecom Operator

Tapan K. Patra
Director

Encl: As above

ANNEXURE-I

ACTO Comments on TRAI Consultation on Traffic Management Practices (TMPs) & Multi-Stakeholder Body for Net Neutrality January 2nd 2020

ACTO appreciates the opportunity to express its views in this Consultation and hopes that these comments will be helpful to the Authority in examining the issue of Net Neutrality. We assume that the DoT policy dated 31st July 2018 on Net Neutrality remains unimpacted by the current consultation.

ACTO endorses the policy and principles of an Open Internet, which to us means an entire Internet ecosystem that enables users to exchange ideas and communicate freely, gives them freedom to access the lawful applications and content they wish to use, and affords them the ability to choose and assemble packages of services and equipment that best meets their needs. ACTO also believes that any Net Neutrality principles that are adopted in a manner to create an environment that foster growth and innovation.

ACTO would like to further recommend that TRAI should consider keeping the traffic management rules flexible as such refrain from making prescriptive rules especially in an ever changing and evolving digital world. TSPs/ISPs should be allowed to use the traffic management rule at their own as suited for their network requirements as long as it meets the basic principle of net neutrality as mentioned in the DoT License amendment, relevant provision reproduced below:

“2.3 Principle of non-discriminatory treatment, definition of specialised services and reasonable traffic management and other exceptions:

- (i) A Licensee providing Internet Access Service shall not engage in any discriminatory treatment of content, including based on the sender or receiver, the protocols being used or the user equipment
- (ii) The Licensee is prohibited from entering into any arrangement, agreement or contact, by whatever name called, with any person, natural or legal, that has the effect of discriminatory treatment of content.”

This flexibility is essential to ensure the level of quality of service as required by different types of customers. Furthermore, the need for service providers to have the flexibility to manage network traffic and performance had also been recognized by the report of the DoT Committee on Net Neutrality published in May, 2015, which has recommended that reasonable traffic

management practices may be allowed but should be “tested” against the core principles of Net Neutrality.

Nature of traffic management may also vary with the future technological change and consumer demands, spurred on by new developments, including the Internet of Things, Software Defined Networks, and Big Data Analytics.

Reasonableness can be defined through contract, which means it relates directly to the best practice of transparent disclosure described below. If typical users, understanding the disclosed network management policies in use, contract for the service, the policy must be reasonable by definition. Reasonable is defined entirely in the frame of reference of the end-user, the customer of the service provider.
