



RSM/COAI/2018/196

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**Subject: COAI Response to the draft Telecommunication Mobile Number Portability
(Seventh Amendment) Regulations, 2018**

Dear Sir,

This is with reference to the draft Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018 released on September 25, 2018

In this regard, please find enclosed COAI response to the draft Regulation

We hope that our submission will merit your kind consideration and support.

With Regards,

Yours faithfully,

Rajan S. Mathews
Director General



Response to the draft Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018 released on September 25, 2018

COAI welcomes the opportunity to comment on the draft amendment to the Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018. At the outset, we wish to submit that there is an existing process and mechanism in place in which all operators have invested and the same is working effectively. If a change is proposed in this process, investment will be required to re-align IT and other systems with the new process. Hence, we reiterate our request made during the consultation process that, while considering a change in the existing process, **the Authority should conduct a detailed cost benefit analysis and assess whether the incremental benefits which accrue to the consumers is higher than the incremental cost that will be borne by the Industry.**

Our issue-wise responses are as below:

A. Obligation to set up mechanism for allocation of Unique Porting Code:

TRAI has proposed that the MNPSPs and the Access Providers will set up a mechanism for allocation of UPC code. In this proposal, the request will be received by the access provider and they will forward the same to the MNPSPs. MNPSPs, after conducting the requisite checks as prescribed in the draft, will then generate the UPC on a real time basis and send it to the subscriber.

COAI Response:

1. Operators have made significant investments to establish the MNP system for Intra and Inter circle porting. Any radical changes which would make the existing system redundant and would require substantial amount of investment, is unwarranted and should be avoided at this stage.
2. The proposal put forward by TRAI that the UPC be generated by the Mobile Number Portability Service Provider (MNPSP) emanates from a perception that TSPs are not generating/delivering the UPCs to their subscribers after receiving the request from them. The reason for the same has been stated in the consultation paper that the delay in providing the UPC is due to technical issues with Operation Support System (OSS) of the Donor Operator (DO).

3. In this regard, we wish to submit that our members TSPs are complying with the provisions of the MNP regulation pertaining to the generation of the UPC. Till July 31, 2018 a cumulative MNP requests of 391 million have been processed, and number of UPC generated will be much more than this, which proves that the operators have been generating the UPC as prescribed in the existing Regulation.
4. We agree with the fact that many subscribers have faced the issue of non-receipt of UPC in the recent past, but this happened mainly due to the closure of the services by some of the operators and these operators could not manage the subscriber's requirement owing to the huge number of requests received by them. However, the operators, who are continuing with their services, have been providing the UPC to their subscribers in a timely manner. Hence, the issue faced by the subscribers from some specific operators and in some specific cases cannot be generalized for all service providers.
5. **Therefore, the rationale for adopting the proposal of generating the UPC by MNPSP cannot be on account of inaction by the operators. Further, as the closure of services by the operators has now been concluded, TRAI should re-look at the UPC generation issue by the existing operators for any problems before considering a change in the process.**
6. Further, the technical reasons mentioned by TRAI due to which delay in the generation/delivery of the UPC happened in certain cases can also happen in the systems of the MNPSP and hence the same cannot be the justification to shift the UPC generation from TSP to MNPSP. Thus, the issues highlighted by TRAI in the existing process cannot be addressed in totality through the proposed process and the minor issues which occur in the existing process will exist in the proposed process as well.
7. **Thus, we submit that the generation of the UPC should remain with the operators and any aberration occurred on the non-generation should be dealt with on case to case basis.**
8. We would also like to submit that, in order to eliminate the concerns around delay or non-generation of UPC, TRAI should include this as one of the QoS parameters to be periodically monitored by the authority. Timely generation of UPC by the DO shall be validated as a part of periodic audits to ensure that this happens in a prescribed manner.
9. It is further submitted that since many responsibilities have been proposed to be placed on the MNPSP, these responsibilities should also include monitoring/audit/penalty mechanism to ensure the responsibility assigned are complied with in an efficient manner.

10. **Kindly note that one of our member RJIO has a divergent view on our above submission. RJIO supports transferring the UPC generation and issuing responsibilities to MNPSP.** RJIL believes that shifting the responsibility of generating and communicating the UPC to MNPSPs will be a correct step as this will address the perennial issue of UPC related rejections. Further, RJio is of the view that TRAI may prescribe suitable Quality of Service parameters applicable on the MNPSPs for the activities to be performed under the regulations.
11. Also, on the issue of generation of UPC for corporate connections, RJIO has a view that TRAI should have introduced a simpler porting process in corporate connections based on a single UPC.

B. Obligation and actions required by various Service Providers:

Through proposed amendment regulations 6A, 8, 9 and 10, TRAI has prescribed the processes to be followed and actions required on part of MNP service providers and Access Providers acting as Donor or Recipient operators in view of the proposed changes towards generation of UPC and the checks required for the same.

COAI Response:

One of the most crucial requirements of this draft amendment regulation is the checks required to be conducted on real time basis by the MNP service provider from the data base of the access provider as a Donor.

1. In this regard, it is submitted that the proposed MNP process requires sharing of customer information available in database of access providers with MNPSP. This has grave implications for not only the security of the database of the TSPs but will also be the violation of the confidentiality terms under which the information has been collected from the customer.
2. Also, giving access of complete customer information to MNPSP would be a potential risk of misuse of information by MNPSP for its commercial gain. The systems deployed by MNPSP would not be absolutely compatible with the systems deployed by access providers. If the IT systems of MNPSP collapses or gets hacked by any chance, then it will heavily impact the systems of access providers resulting in a complete shut-down of systems.
3. MNPSPs will also have to comply with all the applicable data privacy and data protection laws.
4. Also, it is pertinent to mention that all operators have already made huge investments in order to comply with existing TRAI's guidelines on MNP regulations and the proposed

changes in the MNP process would render the existing system obsolete and necessitate fresh investments of substantial nature.

5. **Thus, we submit that the respective checks of rejection reasons/acceptance of the MNP request should remain with the operators and any aberration occurring w.r.t. non-compliance of the regulations should be dealt with on a case to case basis.**
6. Notwithstanding the above, we would like to submit that there should not be any customer data shared with the MNPSP, instead a mechanism to respond to the query in the form of a “Yes” or “No” should be adopted. Further, there is no need to ascertain if the customer is a “Pre-Paid” or a “Post-Paid” customer as it has no relevance in the porting out process.
7. **Kindly note that one of our member RJIO has a divergent view on our above submission. RJIO supports the amendments proposed by TRAI.** In this regard, RJIO is of the view that there is no additional un-addressable data privacy issue being caused by revised process. Since mobile number and other information is already being exposed to MNPSP even in current process.
8. RJIO further supports the proposed query-response based mechanism, as this will enhance transparency, efficiency and customer experience by shortening the porting time.
9. RJIO believes that not much development is required at operator’s end as most of the data required for Query response mechanism is already available in the CRM. Also, API based connectivity can be easily built to make available the same to MNPSPs.

C. Withdrawal of Porting Request:

The proposed amendment has allowed the subscribers to withdraw the porting request through SMS to the MNPSP which should be within 24 hrs from the time the MNPSP received request from the RO.

COAI Response:

1. On this issue, we are thankful to the Authority for partially accepting COAI proposal of SMS based withdrawal process. However, we still believe that the withdrawal request should be processed through the recipient operators (as per our proposal submitted during the consultation process).
2. The proposed amendment has provided that the subscriber can send the request to the MNPSP through a short code and that request should be within 24 hrs of the submission of the porting request by the recipient operator. For any subscriber to ensure that the withdrawal request has been sent to MNPSP within 24 hrs of the request received by

MNPSP from RO, the subscriber is required to know when the porting request has been received by the MNPSP from the respective RO.

3. **Hence, we suggest that the MNPSP should inform the subscriber through SMS regarding receipt of his/her porting request (with date and time) from the RO so that the subscriber can send the withdrawal request within 24 hrs** Also, there would be chances that the subscriber approaches his/her current operators (DO in this case) for withdrawal of the request, hence, the information of receipt of porting request of any number should also be informed to the respective DO by the MNPSP so that the DO can handle the queries of such customers. We would also like to suggest that the withdrawal timeline should be extended to 48 hours.
4. **Kindly note that one of our member RJIO has a divergent view on this issue. RJIO does not agree with the provisions on SMS based withdrawal process and submit that this provision should be discontinued.** RJio believe that the subscriber has already shared his consent twice before his MNP request is processed, first when subscriber willingly generates UPC and second when subscriber approaches RO along with that UPC and complete KYC. In view of this double consent, RJIL believe that subscriber has taken informed decision, hence withdrawal option is not required. Further, MNP withdrawal is the genesis of the unscrupulous tariff offers, which should not be permitted.

D. Subscriber Reconnection Charges and other ancillary Charges:

The regulation proposes that the MNPSP can bill the operators for Subscriber Reconnection Charge, Bulk Download Charge and Port Cancellation Charge.

COAI Response:

1. While we support the proposed amendment to the Regulations which allows the subscriber to get his number reconnected by the RO within 60 days of the disconnection by making the necessary payment due to which the number was disconnected, charging by the MNPSP for the same is unwarranted. The MNP regulation is one of the important aspects of providing freedom of choice to the consumers and any amendment wherein consumers are being benefitted should not be charged.
2. Since the consumers are presently not being charged in case of reconnection or port cancellation by the RO and DO respectively, the MNPSP should not be allowed to charge the access providers for these activities. Further, prescribing any additional charges may result in passing of these charges on the subscribers and hence, we suggest that the proposed ancillary charges should not be prescribed.

E. Reduction in Timelines for the Porting Process:

The draft Regulation proposes reduction in the timelines for the porting process.

COAI Response:

1. In this regard, it is submitted that the proposed reduction in the MNP process would have been possible if the mandate to remove Aadhaar based E-KYC process for subscriber acquisition was not received from DOT.
2. Also, if the paper-based customer acquisition process is imposed again, then it will not only increase the time taken in service activation but will require a number of activities on part of recipient operator which will take more than 4 days and in the meantime, UPC will get expired.
3. Also, if there are no changes in the subscriber acquisition process or any new digital process is implemented, still the 4 days' time will adversely affect the MNP process from the Customer as well as the Operator's point of view.
4. Further, while draft Regulation proposes the reduction in timelines for Intra-Circle porting, the Intra-Operator (in case inter-circle porting) still remains unchanged as 4 Days. We would like that the Inter-Circle Porting (in case of intra-operator porting), the timelines can be reduced to two days, as the porting is within an operator and donor and recipient operator is practically the same.
5. Also, the validity of the UPC, has been reduced to 4 Days from 15 Days which will affect the customer as porting will become a hurried exercise. Hence, we submit that UPC expiry should be extended to 7 days instead of 4 days.

F. Payment of Pending Dues in case of Post Paid Subscribers:

1. As per the present Regulation, the porting is done even if there are pending unbilled dues the Donor Operator has to continue chasing the customer for recovery of its un-billed (at the time of porting) dues and thus DO remains at the mercy of Recipient Operator for recovery of dues.
2. In the current market scenario, almost all postpaid customers are on monthly bundled packs where the monthly minimum charges are committed at the beginning of the month. However, the bill is generated at the end of month along with the variable charges incurred during the month.

3. All such customers are fully aware of their commitment accrued on the beginning of the month itself and are not required to wait till the next billing cycle for the bill. Therefore, these customers should be mandated to pay their dues before porting. This will not only help in reducing the burden on MNPSPs to recover such unpaid dues but will also help Donor Operators to efficiently collect their dues while the customers are still live in their own network.
4. These customers can be informed to pay billed and unbilled charges by the way of generation of Hot bill immediately after generation of UPC or on port validation date, so that the dues are cleared by the customer before porting out. The process of Non-payment disconnection can be completely done away with.
5. **We would strongly recommend that in the changed business scenario and technological advancement allowing hot/instant billing, the Donor Operator should be allowed to collect all unpaid dues from the customer before the porting itself.**
