



Association of Unified Telecom Service Providers of India

AUSPI/12/2012/145

31st August, 2012

Shri Rahul Khullar,
Chairperson
Telecom Regulatory Authority of India,
Mahanagar Door Sanchar Bhawan,
Jawahar Lal Nehru Marg, Old Minto Road,
New Delhi - 110 002

Sub: AUSPI's Response to TRAI's Draft Regulations on "The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012"

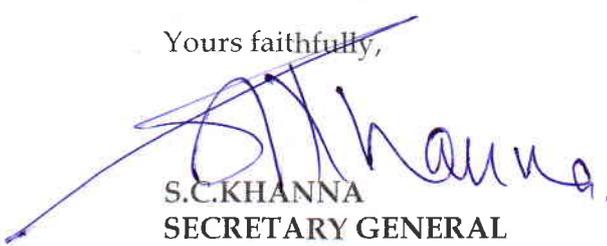
Dear Sir,

We are pleased to enclose herewith AUSPI's Response to TRAI's Draft Regulations on "The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012"

AUSPI requests the Authority to take its views into consideration while coming out with the final regulations on the subject.

Thanking you,

Yours faithfully,


S.C.KHANNA
SECRETARY GENERAL

Encl: As above

Copy to :

- 1) Shri R Ashok, Member, TRAI
- 2) Shri R K Arnold, Member, TRAI
- 3) Prof. H S Jamadagni, Member, TRAI
- 4) Prof. Pankaj Chandra, Member, TRAI
- 5) Shri Rajeev Agrawal, Secretary, TRAI
- 6) Robert J. Ravi, Advisor (CI & QoS)



**AUSPI's Comments on TRAI's Draft Telecom Commercial Communications
Customer Preference (Tenth Amendment) Regulations, 2012.**

Re: Draft regulation 3 of TCCCPR

- a) We believe the TRAI proposal to take an undertaking from all subscribers that SIM shall not be used for telemarketing will not have significant impact on curbing UCCs.
- b) There should be a law and proper enforcement to make errant telemarketers accountable.
- c) Notwithstanding AUSPI's above mentioned views AUSPI and its members would fully support to comply with TRAI's requirement that at the time of providing a telephone connection to a new subscriber an undertaking with be part of the CAF that SIM purchased shall not be used for telemarketing. However, it may kindly be noted that operators generally have 4 to 6 months inventory available with them to meet CAF requirement and hence TSPs be given atleast 6 months to implement this Regulation.

Further Taking an Undertaking at the time of SIM purchase by the subscriber will ONLY help in educating, informing, and advising the customers regarding commercial communications and that the same can ONLY be sent after registering with the Authority as Telemarketer.. But it would not be possible for the service providers to monitor the same and will lead to arbitration frequently.

Re: Regulation 19 (11):

- a) AUSPI does not support imposition of charges for sending UCCs as it is very difficult for TSPs to recover penalty charges. Subscribers would rather change SIMs to paying penalty as SIMs are much cheaper than proposed penalty payment.
- b) In case TRAI feels that the imposition of charge for sending UCCs is essential then there should be consistency in manner of imposing charges on voice and SMS. There should be a notice for first UCC violation and subsequently charge of Rs 500 may be imposed on second violation on voice call or SMS. In prepaid, it is difficult to auto deduct if the balance is not available in customers account and also service providers are not in a position to check the

content of the message, hence pre identification of the promotional message is not possible and can be considered only after receiving the complaints.

- c) There is no mechanism specified to tag disconnected customers for whom the telecom resource will be disconnected after 3rd violation so that they don't get the resources from other operators as well for one year.

Re: Regulation 20 (2)

AUSPI supports TRAI proposal to spread awareness through SMS blasts on UCC related Regulations. However, we request TRAI to reconsider time for 2nd SMS blast within 3 months against proposed 7 days from the first blast. UCC broadcast after 3 months would have better impact on consumer awareness without putting too much pressure on telecom resources. Subsequent SMS broadcast can be every 6 months as proposed by the TRAI.

Re: Schedule VI Para (4)

1. Registration of complaint through SMS to number 1909

- a) The format of the SMS prescribed by TRAI is not complete. Hence following format is suggested for filing complaints through SMS.
 - i. Phone number from which customer had received the SMS (10 digit/ 5 digit/ Alphanumeric Code/3 digit (For Eg:121))/Senders details if MDN not available (e.g. LM HDFCBANK, etc.)
 - ii. Date of message : dd/mm/yy
 - iii. Name of product being promoted:
 - iv. Content of the message received :
 - v. Customer Preferred Category (Applicable for partial Block mention the category. Eg: 4. Education)
- b) The message content should not exceed 160 characters.
