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May 27 2015,

**Shri. Robert. J. Ravi,  
Advisor (CA & QoS)  
Telecom Regulatory Authority of India,  
Mahanagar Doorsanchar Bhawan,  
Jawahar Lal Nehru Marg,  
New Delhi-110002.**

**Subject: Comments on draft "Telecom Consumers Protection (Eighth Amendment) Regulations, 2015"**

Dear Sir,

This is reference to TRAI's draft "Telecom Consumers Protection (Eighth Amendment) Regulations, 2015" issued for comments of stakeholders.

In this regard, please find enclosed our comments on the same.

This is for your information and records please.

Yours faithfully,

For Bharti Airtel Ltd.

A handwritten signature in black ink, appearing to read 'Ashwani Rana', is written over a horizontal line. The signature is stylized and somewhat cursive.

Ashwani Rana  
Chief Regulatory Officer (Operations)

**Encl: a.a.**

**TRAI's TCPDR DRAFT Regulations (8th Amendment) on customer's explicit consent on data service activation or re-activation**

The rise of broadband services in a country is driven by a number of factors such as economical, technological and social. A reliable broadband network which provides ultimate access to Internet & its services/applications will have serious economic impact in future. According to the World Bank's estimates, a 10% increase in broadband penetration accelerates economic growth by 1.38% in developing countries. It is, therefore, natural that countries around the world are concerned about creating a robust broadband infrastructure that would sustain high growth of broadband services. Convergence of communications, media and IT is driving a host of new broadband services and creating new revenue streams across sectors and industries.

For a country like India, the Government can play a critical role in dispersal of modern ICT such as broadband. NTP-2012 recognized telecom, including broadband connectivity as a basic necessity like education and health and envisaged work towards 'Right to Broadband'. As stated in TRAI's recommendation on 'Delivering Broadband quickly', dated 17<sup>th</sup> April 2015, as on Sept. 2014 India has a 15% Internet user penetration and is ranked 142nd, way below some of our neighboring countries like Bhutan and Sri Lanka.

We believe that taking explicit consent of customers for using data services through sending SMS / USSD to Short code 1925 or through IVR (1925) would pose as customer inconvenience for using the internet. This in turn will hamper the Government's Digital India programme which will eventually affect the Broadband penetration in India.

**Please see below table for our comments on TRAI's TCPDR DRAFT Regulations (8th Amendment) on Activation or deactivation of data services by sending an SMS/ USSD to toll-free short code 1925**

S No.	TRAI's TCPDR DRAFT Regulations (8th Amendment)	Airtel's Submission
1.	<p><b>'Alerts and Notifications' to consumers on data usage –</b>  <b>(a) Non-data pack customers:</b> through SMS or USSD, provide information like amount of data used during the validity or -billing cycle and the tariff for such usage of data after every 5 MB of data usage.</p>	<p>For Non-data pack customers (also referred to as Volume Based Charging (VBC) customers):</p> <ol style="list-style-type: none"> <li>1. Customers could be sent an SMS / USSD alert after every 5 MB of data used which will inform the customer about the data used and the charges for the same.</li> <li>2. Customers through this alert will also be prompted to opt for data (internet) packs informing them pack options and how to get the same.</li> </ol>



	<p><b>(b) Data plan / pack users:</b> through SMS or USSD, provide a usage alert each time immediately after consumption of 50%, 90% and 100% of the plan/ pack's data quota. Also, after the 90% data quota consumption, should inform the customer through SMS or USSD, the details of VBC on the usage of data beyond the quantum of data available under the subscribed plan/ pack.</p>	<p>We suggest following approach for pack or data plan users;</p> <ol style="list-style-type: none"> <li>1. Post-paid Customers: in line with the TRAI direction for internet usage (for broadband / internet customers), we can adopt similar practice for postpaid mobile customers and send alerts to the customers at 80% and 100% of their data quota of their existing pack getting exhausted - this will give a uniform experience to customers who use internet frequently through data packs / plans whether through broadband or mobile internet. If however, TRAI feels that service providers should send the alerts at 50%, 90% and 100% of the pack getting consumed, the same can also be implemented. Along with this alert customer can be informed that he / she can opt for new data pack (sachet packs) to avoid getting charged on volume basis (per 10 KB) and go for cheaper option of data pack as per the customer's choice depending upon usage for the remaining period.</li> <li>2. Pre-paid customers: Customers may have opted for multiple data packs. As a result of this, it will not be possible to calculate the residual balance of the data in percentage terms. However, alert can be sent to the customers when the balance in customer's account is approaching towards the data usage quota (for example: before 50 MB, 30 MB, 20 MB, 10 MB). At these different stages, customer can be informed to opt for new pack in order to enjoy data at cheaper rates (so that VBC rates can be avoided and accordingly customer would be saved from a bill-shock).</li> </ol>
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		3. For both prepaid and postpaid customers, there should not be any need for end of session notification to be sent as customer is being alerted about the data pack quota expiry at different stages (for example every 50 MB).
	(c) The customer having international roaming facility - through SMS or USSD, provide an alert, immediately after the consumer roams outside the territory of India, with an advise to deactivate the data services, if he/she does not want to use data services while roaming outside the country.	<ol style="list-style-type: none"> <li>1. Customers are informed about how they can deactivate data through their handset if they do not wish to use data – this is at the time they request for international roaming to be activated.</li> <li>2. Customers going on international roaming are informed about the data usage charges.</li> <li>3. Customers are also informed that they can opt for data packs in order to ensure that they do not get charged on volume basis and in this way bill shock is also avoided to the customer.</li> <li>4. Customers are also informed about their data usage if the credit limit is exceeded so that customer can take necessary precaution while using data to avoid bill shocks.</li> </ol>
2.	<p><b>Activation or deactivation of data services –</b></p> <p>(a) No activation or deactivation of the data service on the mobile connection of a consumer without his / her explicit consent on IVR and SMS to toll-free short code 1925, as per the procedure specified by the Authority in its schedule.</p>	<p>Data services along with voice and SMS are part of the core bearer services. For bearer services, customer consent is obtained through his / her signature on the CAF at the time of acquisition where customer is informed about the data services being active on the SIM card and the charges for the same. There should not be separate requirement for taking consent through short code for these bearer services.</p>
	(b) To provide toll-free short code '1925' for receiving request of the consumer for activation and deactivation of data service.	<ol style="list-style-type: none"> <li>1. 1925 toll free short code has been opened for deactivation and reactivation of data through SMS.</li> <li>2. In order to give more choice and</li> </ol>

		flexibility to the customer, this short code will be accessible through voice as well wherein customer can listen to an IVR which can prompt the customer about deactivation / reactivation of the data services. This is under development and will require approximately 2-3 months to be completed.
	(c) To send an SMS to the consumer, on whose mobile connection the data service is activated, at periodic interval not exceeding 6 months, informing him / her about the procedure for deactivation of data, as specified.	We will bring about necessary awareness amongst our customers through necessary alerts which can be sent periodically so that customers know how to deactivate their data services in case they do not wish to use the same.