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Ref: RP/FY 18-19/109/73

Date: 18th June 2018

To,

Shri Asit Kadayan,
Advisor (QoS)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
J.L. Nehru Marg, Old Minto Road
New Delhi - 110002

Subject: Response to Draft regulation on "The Telecom commercial communication customer preference regulation, 2018"

Dear Sir,

This is with reference to your above mentioned draft regulation. In this regard, please find enclosed our response for your kind consideration.

Thanking You

Yours Sincerely

For Bharti Airtel Limited

A handwritten signature in blue ink, appearing to read 'Ravi P. Gandhi', is written over a printed name and title.

Ravi P. Gandhi
Chief Regulatory Officer

Airtel's response to the draft UCC regulation

1. At the outset, we would like to thank TRAI for providing us the opportunity to submit our comments on the draft UCC regulation. This is a welcome step as not only it provides us an opportunity for greater participation in decision making, it may also prevent any aberration in the final regulation. The regulation aims to address the loopholes in the earlier regulation; cut down the Unsolicited Commercial Calls (UCC) and complaints from the customers; and tackle the inefficiencies in the ecosystem, which are beyond the control of mobile operators. We support the Authority on initiating a first ever practice of co-creation of regulation and code of practice. However, it is equally important that all feedback by the respondents are deliberated in detail before issuing the final recommendations.

There is no denying the fact that the unsolicited commercial communication in form of voice calls, text messages, etc. is an annoying nuisance for customers and is becoming increasingly frequent. Therefore, the Authority's initiative to lay down a framework with a view to tighten the norms is indeed a reformatory step. We appreciate the Authority's underlying intent of ensuring consumer protection from spam and unsolicited commercial communication.

2. Following the first round of discussions on the draft regulation, we are of the view that the proposed changes in the regulation do not address the fundamental flaw in the existing regulation wherein any originating access provider (OAP), connected to a telemarketer can generate huge amount of spam for the terminating access provider (TAP) by delivering promotional, transactional or service SMSs and calls. This results into huge operational expenditure for the terminating operator, since the terminating operator, being the face for consumer, has to resolve the customer complaints itself within stringent timelines fixed by the regulator. In case of non-resolution of complaints within the timelines, the terminating operator has to pay huge penalties as well. The customer may feel dissatisfied with the services of the operator on account of uncontrolled UCCs, for which it is not at all responsible. This may result in customer churn, and as a consequence, may impact the revenue of TAP.

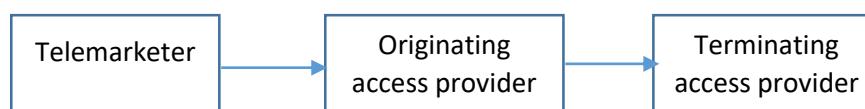
Under the current Unified License regime, any non-serious entity can indulge in spam activities by acquiring Unified license (access service) for one service area for an amount as low as Rs. 50 Lakh and generate huge costs for the terminating operator. By making just a meagre investment, the Originating Operator (OAP) can specifically target and create havoc for a terminating operator who has spent thousands of crores of capex to build its network. This also affects the brand value and image of the terminating operator. To summarise, the current system has the following shortcomings, which need to be addressed in the proposed UCC regulation:

- a. The TAP has to incur the entire cost of compliance with the UCC Regulation while the OAP only has to deal with TMs for levy of any financial disincentives.
- b. The OAP does not adds any value to the entire process. On the contrary, when an OAP fails to ensure compliance with the Regulation, the cost of such non-compliance is also borne by TAP.
- c. The current system incentivizes the potential non-serious players to become OAPs by acquiring a Unified License and offer such services solely. Since they

do not own any mobile or landline customers, they can indulge in spam activities, the brunt of which is naturally faced by the TAP.

3. In order to overcome such issues, the UCC regulation should be revised such that the telemarketers are mandated to connect directly with the terminating operator without any intervention from the originating access provider. Not only this will eliminate the huge costs associated with compliance, complaint handling, etc. at the terminating operator's end, it will also result in establishing an environment of discipline in the whole ecosystem. This will also remove one more network element from the transport chain and reduce the failure rates, thereby reducing the amount of spam messages to a great extent. In fact, the transition to a new regulatory regime would be much easier with the elimination of the originating operator and by establishing a direct relationship between the telemarketer and terminating operator.

Current arrangement



Proposed arrangement



The telecom industry has recently undergone a major consolidation and as a result, there are only 3-4 operators left per telecom circle, with each operator having a market share of around 25-35%. Therefore, in such a scenario, there is little scope for standalone originating access service providers. Further, direct connectivity can be established more easily with 3-4 operators compared to the earlier situation when there were 7-8 telecom operators in each service area. Hence, it is an ideal time to establish a direct relationship between the telemarketer and the terminating operator.

This arrangement will be similar to the one followed in case of short codes and VAS services. The implementation of short codes for SMS as well as voice service is being done by third parties for all the telecom service providers. These short codes are opened and configured separately by each service provider. Similarly, for value added services as well, the operators define unique codes for each VAS service provider, so in a way, they also have a direct relationship with the telecom service providers. A similar arrangement can also be worked out in case of A2P SMS. Hence, the draft regulation can be revised accordingly by mandating the telemarketers to establish direct relationship with the terminating service providers.

There will be substantial benefits to consumers as well as telecom service providers if such an arrangement is adopted. In this case, the Originating operator would also become the terminating service provider, which will resolve a number of concerns being faced at present. It will reduce the time taken to address the customer complaints as there would be intra operator complaints only, to be handled by a single operator. It will also eliminate the inter-operator disputes and delays in resolution of UCC complaints. QoS parameters such as time taken to connect to the operator would also

register a significant improvement. The cost of customer care would also decline significantly for the telecom service providers.

4. The framework envisaged in the draft anti-spam regulation is not only exhaustive but it pioneers a whole new, technology-centric concept. In view of this, the Distributor Ledger Technology (DLT) proposed to counter the menace of unsolicited communications is a novel concept being introduced in the industry. In addition, a complete overhaul of the existing regulation has been proposed and the revised processes will be based on complex IT solutions to be founded on Code of Practices (CoPs). However, TRAI has mandated that all these complex changes have to be implemented by 1st October 2018 and we apprehend that such stringent timeline mandated by TRAI is going to put a lot of unnecessary pressure on us to meet the deadlines. This may inadvertently lead various IT developers / vendors to try maximize their profits from the telecom operators. The network, IT and procurement team would hardly get any time to negotiate with these vendors, and as the concept of block chain and DLT is relatively new, the choice of vendors would also be limited, leading to their monopoly in the market. TRAI should not allow such a situation to develop and hence provide sufficient time to operators for implementing the IT solutions.
5. Since DLT has been emerging as the backbone of the Regulation, its implementation will not be feasible without setting up the guiding principles and the premise for the various aspects involved. Therefore, it is suggested that at first, the CoP should be formulated, post which, the telecom operators should be given sufficient time wherein they can implement the regulation in defined stages.
6. The draft regulation has provided a “List of key activities for preparation of migration plan” in schedule VI of the document. However, the list is not exhaustive as it does not take into account the core steps of the Software Development Life Cycle (SDLC). The key set of activities which all the operators have to do jointly is as follows:
 - a. Identification of use cases
 - b. Definition of requirements, rules and regulations – Code of Practice
 - c. Ownership issue and commercial impact clarification
 - d. High Level design and Low Level Design
 - e. Development
 - f. Integration testing – to be done with all operators and all impacted systems
 - g. UAT involving multiple entities and industry representatives
 - h. Training of all entities and stakeholders
 - i. Go Live

Looking at the above set of activities to be performed while the details of processes and use cases are yet to be frozen – the timeline which TRAI is proposing seems unrealistic. Not only the telecom service providers will have to adopt new solution for creating DLTs, the DLTs would also have to be integrated into the existing IT systems of Telecom service providers. Commercial issues, hardware ownership, sizing of the system, design workflows, processes and even vendor selection cannot commence till the time the COP is signed off. In the existing system itself, the telecom operators have to whitelist the sender IDs, create account IDs, map account IDs against the

telemarketer and then the systems have to be configured as per the customized requirements of telemarketers. This is further followed by usage acceptance testing. Thus, even the migration to anti-spam A2P platform takes 3 months' time. **It is therefore, suggested that the deployment of the IT solutions based on DLT ledgers should be done only after finalization of CoP, post which the IT readiness can be built in followed by migration to the new platform.**

The phase wise logical implementation of the regulation is proposed as under:

- i. **Phase I: Design stage:** Finalization of code of practice/ rules/ IT architecture and approval from TRAI. This would require a time frame of 12-16 weeks.
- ii. **Phase II: IT readiness:** Based on finalized CoP, IT infrastructure for DLT registers - consent register, entity register, etc. to be prepared. Scrubbing solution would also need to be finalized. This would require a time frame of 24-36 weeks. **The timelines suggested for implementing the DLTs and entities may change post CoP finalization.**
- iii. **Phase III: Migration/ implementation:** Post IT readiness, the customers would be migrated to new registries - preference registry and consent registry. The consent template would be applied for scrubbing. This phase would require UAT and live testing without disturbing the ongoing operation, and the estimated timeframe for these activities would be 24-36 weeks.

TRAI has divided the implementation in two phases, first phase of activities is to be accomplished by 1st July 2018 and second phase by 1st October 2018. Based on the approach described above, the revised timelines have been suggested against TRAI's suggested timelines. (Refer Annexure I & Annexure II).

Hence, we recommend that the time frame for implementation of the whole regulation should be extended accordingly, taking into account the time required for each phase.

7. **Double penalization of telecom service providers:** As per sub regulation 21, the telecom service providers shall be liable to pay financial disincentives in case of non-compliance to the provision of code of practice as notified by TRAI. However, as per sub regulation 27 of the draft UCC regulation, the operators could be penalized for not controlling the UCC sent through their networks. Since the operators act like carriers only and do not have control on the calls/ SMSs being sent by the subscribers, there should not be any financial disincentives for UCC counts as envisaged in the sub regulation 27. Further, the sub regulation 21 already contains provisions for levying financial disincentive in case of violation of the code of practice. Thus, the operators would be penalized twice. Hence, sub regulation 27 of the draft TCCCPR regulation should be eliminated.
8. Content Template Registrar (Entity) performing Content Template Registration Function (CTRF) - The high level functions of content template registrar have been outlined in 'Schedule-I (3). The intent of the entity and the functions performed are

remarkable, however, some practical challenges will need to be taken into account. Below are the few concerns which we would like to highlight:

- a. Point (d) - We feel that this sub regulation will fundamentally increase the time for a company to execute their respective promotional activities.
 - (i) For each campaign, the registered entity would like to have segmented templates. If the businesses are forced to register these templates, then it will increase their overall go-to-market duration of the campaign.
 - (ii) It will not be possible for the Code of practice (COP) to be comprehensive enough to cater to all businesses and all types of promotions, which will consequently lead to gaps in the COP and operating procedures, which are being defined.
 - (iii) So on the basis of these gaps, there is very high probability that there will be potential victimization/delay for businesses and their entities as they will miss the time frame in which they want to launch the respective campaign.
 - (iv) It has been mandated that the "templates to be suspended when the probability of the misuse of variable portion is high;" - clarity is required on what probability percentage will be considered to be high; also how this probability would be identified. If these rules are not defined at a granular level from the beginning, it may affect the businesses/ entities and create road blocks in letting businesses perform their campaigns effectively.

We would request TRAI to reconsider the template registration and effectively remove it for commercial templates. In case of transactional messages, if the rules are defined in a more granular way, it will be feasible.

Our additional comments are as under:

- a. **Enabling of Calling Name (CNAM) display - Schedule I, Clause 5 (8) (e):**
The Implementation of the concept requires huge changes in the network and the various elements/entities connected with it. Hence, the CNAM enablement should not be mandated.
- b. **Clause 6- Additional modes for Customer preference registration:**
 - i. As per regulation 6(2) (d), TRAI has suggested additional mode of preference registration through USSD. The USSD mode would require development and integration to DLT.
 - ii. Similarly, the suggestion of a new app (clause 6 (2) (e) for registering the preference tantamount to creating an additional set-up and infrastructure without any value addition. This can be done away with as the operators can just sync this feature in their existing apps.
- c. **Commercial communication only using assigned header (Sub Regulation 10):**

As per sub regulation 10, no commercial communication should take place except by using headers assigned to the registered sender.

It is submitted that there are many unregistered senders, who send UCC SMSs using their own phone numbers. The Telecom service providers do not have any control on such unregistered senders. Hence, the sub regulation should be revised accordingly as TSPs can only ensure that no unsolicited commercial communication takes place through their network by registered senders to whom the headers have been assigned by the operators.

d. Ambiguity in clause 9 of the regulation:

The clause mandates that no commercial communication would be sent to any recipient, except as per their preference or digitally registered consent obtained in accordance with these regulations. It is not clear how the customers who have not taken any action to specify their preference either as fully blocked or partially blocked, will be treated i.e. whether they will be open to receipt of commercial communication or whether they will fall under the category of fully blocked by default.

e. Clause 17- Changes in Code of practice:

Any changes in the Code of Practice pursuant to TRAI direction should be implemented within the mutually agreed time frames. This is suggested as such changes may entail major shift in the ecosystem, and hence, these should be implemented within agreeable time frame considering all ground realities and the practical challenges.

f. Sub regulation 24- Distributed ledger for complaints:

The sub regulation 24 of the regulation proposes establishment of Distributed Ledger for Complaints referred to as DL-Complaints. The TSPs have already invested in state-of-the-art Customer relationship Modules, and therefore, a parallel infrastructure set-up for UCC should not be mandated; apart from being cost intensive, it will not lead to any significant impact. We therefore, propose the extension of existing CRMs of TSPs for the new regulation as well.

g. Obligation to support apps - clause 34 of the regulation:

Regulation 34 casts an obligation upon the Access providers to ensure that all devices on its network are supporting permissions required for the functioning of such Apps as prescribed in the Regulation and if such functionality is not implemented by the device manufacturer, TRAI may direct TSPs to derecognize such devices from its networks. This is an overreaching clause for TSP and tantamount to indirectly making the TSP liable for action/inaction of the device manufacturer. If any device manufacturer fails to ensure compliance by providing the functionality, any action to derecognize the devices will have an impact on the customers using such devices. This may lead to customer dissatisfaction and trigger complaints, the entire responsibility of which will fall upon the TSPs. **This provision will adversely impact the feature phone users as these phones do not support apps.**

It is requested that the regulation may be amended appropriately.

h. Deployment of honey pots- schedule IV clause 1(b) of the regulation:

We request the Authority to give more clarity on the design of Honeypot to check the technical feasibility like volume of numbers to be used from different number series in LSAs, etc. However, we suggest that only new numbers should be used in honeypot and no recycled numbers should be used as it may be possible to get solicited communication in such numbers.

i. Other comments :

- i. The implementation of Content Template for transactional call or Promotional voice call is neither implementable nor it can be monitored for any compliance.
- ii. Disruption of services based on the duration of calls or number of calls cannot be implemented for post-paid or PRI lines with precision since the platform for postpaid is not in real-time and there is a certain time lag. In cognizance of this aspect, there should be a threshold which allows permitted variation.
- iii. TRAI has specified that certain provisions of the Regulations will come into force on 1st July 2018 and a majority of the provisions has been suggested for implementation on 1st October 2018. There is a need for thorough analysis and assessment of the proposal contained therein. The Regulation envisages
 - creation of multiple entities,
 - their induction in the system,
 - inter-connectivity between the entities and the DLT platform,
 - roles, functions and responsibilities
 - Process and SoPs
- iv. **Definition of Bulk:** For Voice call and SMS, the criteria of identification laid is based on “same or similar subject matter”. This distinction criteria has challenges as for Voice call such identification is not possible unless the call is intercepted. In case of SMS too, this distinction can be done post facto.
- v. **Definition of business days:** It should be expanded to include other holidays as well. Since the Regulation deals with UCC, the corresponding action can be initiated on business days as this service does not belong to the category of essential services for the customer.
- vi. **Consent definition:** The definition requires more clarity with specific reference to clause k (1) (B) and the examples in such category will elucidate the intent.
- vii. **Definition of Inferred Consent:** It is a bit vague and is very subjective. The detection of such inferred consent is prone to varied interpretations. Hence, it is imperative that the definition be crystallized to make it specific and objective.

- viii. **Formulation of sequence charts/ processes:** As per clause 7 (1) of Schedule I, message sequence charts, flow charts and processes have to be provided. All the sequence charts and processes will be provided after the definition of the CoPs.
- ix. **Revision in use of content template:** As per clause 6(1) (a) of schedule I, any commercial communication through the network should take place only using registered content templates for transaction and/or content templates for promotion. We recommend a process where the sender will send the details of the phone number, template ID and the variable information rather than sending the entire message string. This way, the model will be more flexible and chances of the message template adhering to the pre-registered template goes higher. Thus the system will automatically take the template ID; identify the text from the DL register; take the variable part as provided; construct the message; and send as per the time and date preferences.
- x. **Definition of Telemarketer message Delivery function register & Telemarketer voice delivery function register:** These entities have not been explained in the document.
- xi. **Scrubbing:**
A variation to the process is suggested wherein the entity can register templates with TSP and each such template can have a unique ID. While sending SMS, the entity can specify the unique template ID along with variable content and the TSP can add the fixed template ID with the variable component for sending SMS.

Annexure I: Concerns regarding sub regulations to be implemented w.e.f. 1st July 2018

Sr. no	Description (Regulations to be complied by 1 st July 2018)	Remarks/ concerns
1	<p>Sub Regulation 5</p> <p>(1) to provide facility to its customers for registering preference(s) for Commercial Communication and maintain complete and accurate records of preference(s);</p> <p>(2) to register entities for participating in the ecosystem and prescribe their roles and responsibilities for efficient and effective control of commercial communications;</p> <p>(3) to provide facility to record consent(s) of the customers acquired by the sender(s) for sending Commercial Communication and maintain complete and accurate records of consent(s);</p> <p>(4) to provide facility for revocation of consent by its customers and accordingly update records of consent for the customers;</p> <p>(5) to register sender(s), carry out verifications of their identities and prescribe processes for sending commercial communications;</p> <p>(6) to prescribe process and specific functions of particular entity to carry out pre-delivery checks before sending commercial communications and ensuring regulatory compliance(s);</p> <p>(7) to provide facilities for its customers to register complaints against Sender(s) of Commercial Communication and maintain complete and accurate records of status of resolution of complaints;</p> <p>(8) to examine and investigate complaints, take actions against defaulters and take remedial measures to ensure compliance with the regulations;</p> <p>(9) to detect, identify and act against sender(s) of Commercial Communication who are not registered with them;</p> <p>(10) to comply with any other directions, guidelines and instructions issued by the Authority in this regard.</p>	<p>(1) First Rules/ architecture of the new CPR to be worked out and then IT systems have to be devised and then only enrolment can start.</p> <p>(2) Registration & prescription of roles/ responsibility requires framing of rules etc. first, followed by IT system readiness and then only registration can start.</p> <p>(3) Consent recording would require framing up of rules first, consent templates, etc.</p> <p>(5) Registration of senders - would require framing up of rules/ processes at first; followed by IT development and then registration.</p> <p>(6) Prescribing pre delivery check for each entity has to be part of Code of practice for each entity.</p> <p>Hence, the sub regulation cannot be complied w.e.f 1st July 2018.</p> <p>Following timelines for various steps: (after notification)</p> <p>(i) Rules / CoP/conceptualization: 12-16 weeks</p> <p>(ii) IT readiness - 24-36 weeks</p> <p>(iii) Customer consent and migration-24-36 weeks</p>
2.	<p>Sub regulation 6</p> <p>1)DND registration with below preference(s)</p> <p>(a) preference(s) of categories of Commercial Communication</p> <p>(b) preference(s) of the mode(s) of communication</p>	<p>Changes required in DND application at all modes of registration as per new preference choices. Would require 12-16 weeks' time for architecture, followed by 24-36 Weeks' time for IT readiness. The registration/ migration would only start post the above mentioned steps and would take 24-36 weeks, which includes training to customer care executives as well.</p>

	<p>(c) preference(s) of time band(s) and types of day(s) of the week including public and national holidays;</p> <p>2) Preference(s) De-registration/ Alteration in existing preference(s).</p> <p>3) Additional modes to be implemented for registration</p>	<p>Hence, the above regulation cannot be implemented from 1st July 2018</p>
<p>3.</p>	<p>Sub Regulation 10 No commercial communication except from headers assigned to the registered senders for the purpose of sending commercial communication</p>	<p>This would require header registration and registration of sender first. For this to happen, CoP has to be formulated first.</p> <p>IT development would have to be completed thereafter. Hence the path forward would be :</p> <ul style="list-style-type: none"> (i) CoP - 12-16 weeks' time (ii) IT system readiness (24-36 weeks) (iii) Migration (24-36 weeks) <p>Due to the above changes, this sub regulation cannot be implemented by 1st July 2018.</p>
<p>4.</p>	<p>12. Access Providers shall take appropriate measures to ensure that requisite functions are performed in a non-repudiable and immutable manner and to deploy, maintain and operate systems: -</p> <p>(1) to record preference(s), consent(s), revocation of consent(s), complaint(s) etc.</p> <p>(2) to carry out regulatory pre-checks and post-checks in respect of Commercial Communication being offered for delivery and also to keep records of actions performed;</p> <p>(3) to register person(s), business entity(ies) or legal entity(ies) in making Commercial Communication through its network involved from origination, transmission or delivery and have adequate documentary evidence in support to prove its identity;</p> <p>(4) to ensure that functions and actions performed by registered entities are identifiable, distinguishable and recordable;</p> <p>(5) to ensure that the data is stored and shared in a secure and safe manner;</p> <p>(6) to ensure that data is accessible only to the relevant entities for performing roles assigned to them under these regulations;</p> <p>(7) to detect non-compliances and take immediate action to effectively ensure compliance with regulations;</p>	<p>The compliance can be achieved only after CoP formulation, followed by IT system development. Hence it is not possible to implement the regulation by 1st July 2018.</p> <p>The above activities would take about 36-52 weeks' time for completion.</p>

	(8) to ensure compliance by the registered sender(s) who have notified the access provider about the use auto dialer(s), and to take action against the sender(s) found to be failing to maintain silent calls or abandoned calls within the prescribed limits;	
5.	Sub regulation 17: Authority may direct Access Provider(s) to make changes, at any time, in the Code(s) of Practice and Access Providers shall incorporate such changes and submit revised CoP within fifteen days from the date of direction issued in this regard.	There is some inconsistency as the code of practice has to be compiled by 1 st October as per regulation. While this sub regulation is to be complied by 1 st July 2018.
6.	Sub regulation 18: Every Access Provider shall comply with the submitted Codes of Practices and implement them in accordance with the specified time line(s), Provided that any provision in Code(s) of Practice shall not have effect to the extent of being inconsistent with these regulations. (by 1 st July 2018).	As per regulation 8, the code of practice have to be framed by 1 st Oct 18. Hence there is a conflict between sub regulations.
7.	19. The Authority reserves the right to formulate a standard Code(s) of Practice in case the formulated CoP is deficient to serve the purposes of these regulations. 20. Every access provider shall comply with the provisions of Standard Code(s) of Practice, as and when notified by the Authority.	As per regulation 8, the code of practice have to be framed by 1 st Oct 18. Hence there is a conflict between sub regulations.
8.	21. In case of non-compliance to the provisions of Code(s) of Practice or Standard Code(s) of Practice as notified by the Authority, Access Provider shall be liable to pay, by way of financial disincentive, following amount: - (1) not exceeding Rupees five thousand per day for the period of exceeding the timeline if the period of delay is less than or equal to thirty days;	As per regulation 8, the code of practice have to be framed by 1 st Oct 18. Hence there is a conflict between sub regulation 8 & sub regulation 21.
9.	23. Customer Complaint Registration Facility (CCRF): Every Access Provider shall establish CCRF for its customers: - (1) to provide ways and means: - (a) to make complaint(s), by its customer who has registered his preference(s), against sender(s) of unsolicited commercial communication in violation of the registered preferences or digitally registered consents;	New Complaint registration mode mobile app to be developed for all platform Android, iOS, etc. The above changes would require conceptualization (12-16 weeks) IT readiness (24-36 weeks) and implementation/ migration (24-36 weeks). This would take 24-36 weeks'.
10.	27. Consequences for the Originating Access Provider (OAP) failing to curb the unsolicited commercial communications sent through its network(s): -	The regulation has already included penal provisions for violation of code of practices (Refer sub regulation 21). There should not be double penalization for TSPs. Therefore, this clause should be dropped.

11.	30. Access providers shall prepare migration plan for existing data, process and role being played at present by different entities to the new system of data, process and role of new entities prescribed in these regulations;	As discussed above, the migration plan would be implementable only after framing of rules / code of practice and IT readiness.
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Annexure II: Concerns regarding the sub regulations to be implemented with effect from 1st October 2018

Sr no	Regulation	Concerns/ Issues
1.	<p>3. Every Access Provider shall ensure that any commercial communication using its network only takes place using registered header(s) assigned to the sender(s) for the purpose of commercial communication; and</p> <p>(1) No subscriber or customer, who is not registered with any access provider for the purpose of sending commercial communications under these regulations, shall make unsolicited commercial communication and</p> <p>(a) in case, any customer is sending Commercial Communication, telecom resources of the sender may be put under usage cap; and</p> <p>(b) if the customer continues to send Commercial Communication despite notice given to him under these regulations, all telecom resources of the sender may also be disconnected.</p>	<p>At first, the rules regarding registered header would be framed (time line 12-16 weeks)</p> <p>Subsequently, IT development would be initiated. (24-36 weeks) followed by implementation (24-36 weeks). Hence the timelines need to be revised accordingly.</p> <p>Regarding cap rules, there would be issues in postpaid implementation.</p>
2.	<p>4. No sender registered for making commercial communication shall initiate calls with an Auto dialer that may result in silent or abandoned calls. Provided that the sender has notified in advance to the originating access provider about the use of the auto dialer and taken steps to maintain abandoned calls within limits provided for in these regulations or Code(s) of Practice.</p>	<p>Concept of "Auto Dialer Calls" etc. seems to be based on the underlying assumption that the TSPs will screen and intercept the voice calls and SMS. In terms of licensing mandate, the TSP's network cannot intrude into the messages. Hence this sub regulation needs to be dropped.</p>
3.	<p>7. Every Access Provider shall ensure that preferences recorded or modified by the subscriber are given effect to in near real time and in such a manner that no delivery of commercial communication is made or blocked in contravention to the subscribers' preference after twenty-four hours or such time as the Authority may prescribe</p>	<p>Would require framing of architecture and IT development. These steps would take at least 24-36 weeks' time for IT development, followed by implementation, which would further require 24-36 weeks' time frame.</p>
4.	<p>8. Every Access Provider shall undertake following activities in accordance with the provisions of these regulations before allowing any commercial communication through its network(s): -</p>	<p>The code of practices / rules would have to be framed for consent registration/ preference registration as well.</p>
5.	<p>9. Every Access Provider shall ensure that no commercial communication is</p>	<p>This sub regulation can be implemented only after DLT register implementation. DLT register implementation will require at least 24-</p>

	made to any recipient, except as per the preference(s) or digitally registered consent(s) registered in accordance with these regulations.	36 weeks' time after approval of code of practice. Implementation would require 24-36 weeks' time after IT development.
6.	14. Access Providers may authorise one or more DLT network operators, as deemed fit, to provide technology solution(s) to all entities to carry out the functions as provided for in these regulations.	TSPs should be given sufficient time to fix the vendor/ operators; so that they can fix rates as per the scope defined in code of practice. Secondly, the Code of practice, which is to be formulated by 1st October 2018, would only decide scope of IT work. Hence, a timeline of 24-36 weeks should be given after approval of code of practice for IT development.
7.	25. Complaint Mechanism: Every Access Provider shall establish system(s), functions and processes to resolve complaints made by the customers and to take remedial action against sender(s) as provided hereunder: - (1) Terminating Access Provider (TAP) shall record the complaint on DL-Complaints in non-repudiable and immutable manner and shall notify, in real time, the details of the complaint to the concerned Originating Access Provider (OAP).	New Complaint management system is required to capture all investigation parameters, action parameters and complaint history for all IT software like CRM, PACs, Seibel, Landline CRM and Other Operator complaints against Airtel resources. This would require framing of new IT architecture, rule framing and IT system development. This would require timelines of 24-36 weeks.
8.	26. Record keeping and reporting: (1) Every Access Provider shall maintain records of complaints, from its customers and received from Terminating Access Provider(s), against registered sender(s) for sending unsolicited commercial communications on daily basis for each service area and submit performance monitoring report to the Authority as and when required in a format as prescribed.	The implementation flow would be : (I) Code of practice definition (12-16 weeks) (II) IT readiness (24-36 weeks) (III) Customer consent and migration (24-36 weeks)