



RSM/COAI/2018/088

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Subject: COAI Response to TRAI Consultation Paper on 'Review of Mobile Number Portability (MNP) Process'

Dear Sir,

This is with reference to the TRAI consultation paper on Review of Mobile Number Portability (MNP) Process, released on April 06, 2018.

In this regard, please find enclosed COAI response to the consultation paper.

We would like to inform the Authority that one of our member RJIO has a divergent view on our submission. RJIO supports transferring the UPC generation and issuing responsibilities to MNPSP.

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

With Regards,

Yours faithfully,

Rajan S. Mathews
Director General



Response to the Consultation Paper on ‘Review of Mobile Number Portability (MNP) Process’ released on April 06, 2018

COAI welcomes the opportunity to comment on the TRAI consultation paper on Review of Mobile Number Portability (MNP) Process. However, at the outset we wish to state that the Authority should conduct a detailed cost benefit analysis before proposing any change in the process. There is an existing process and mechanism in place in which all operators have invested and the same is working adequately. If a change is proposed in this process now, investment will be required to re-align IT and other systems with the new process. **TRAI should assess what this additional cost will be for the industry, and whether the incremental benefits which accrue to the consumers be more than this incremental cost.**

We would like to inform the Authority that one of our member RJIO has a divergent view on our submission. RJIO supports transferring the UPC generation and issuing responsibilities to MNPSP.

Our question-wise responses are as below:

Q1. Would it be appropriate that MNPSP be assigned the task of generating and communicating the Unique Porting Code (UPC) to the subscriber intending to port his mobile number as proposed in the consultation paper?

and

Q2. If you agree to assign the task of UPC generation to MNPSPs, whether the revised process outlined in the consultation paper is appropriate to address the relevant issues being faced in the existing MNP process?

and

Q3. Do you suggest any other methodology which can address the issues being faced in the existing MNP process? Elaborate your answer.

COAI Response:

1. Principles of robust Policy making include carrying out a cost-benefit analysis before proposing any new policy or change. The recently issued draft National Digital Communication Policy-2018 also envisages reforming the licensing and regulatory regime to catalyze investments and innovation, and promoting ease of doing business by rationalizing various levies, penalties, charges along with simplifying and reducing the licensing and regulatory compliance requirements.
2. Hence, we would like to submit that any new requirements coming out due to changes in the existing regulation or through a new regulation should be prescribed after appropriate cost-benefit analysis. It is a well-known fact that telecom operators are heavily burdened under



debt and the intense competition has further weakened the financial condition of majority of the operators. Also, the regulatory compliance cost is one of the highest for the telecom sector in country which should require to bring down rather than increasing it further.

3. Moreover, operators have already spent huge sum of amount to establish the MNP system for Intra and Inter circle roaming and any radical changes which would make the existing system redundant and require substantial amount of investment would be unwarranted and should be avoided at this stage.
4. 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).
5. In this regard, it is submitted that our member operators are committed to complying with the provisions of the MNP regulation pertaining to the generation of the UPC. TRAI would appreciate the fact that till February 28, 2018 a cumulative MNP requests of 351.16 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 Regulation.
6. We agree with the fact that many subscribers have faced the issue of non-receipt of UPC in the recent past which is mainly due to the closure of the services by some of the operators and these operators couldn't 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 and any issues pertaining to non-generation/delivery of UPC is temporarily and in certain cases only. Hence the issue faced by the subscribers of some specific operators and in some specific cases cannot be generalized for all.
7. **Therefore, the rationale for adopting the proposal of generating the UPC by MNPSP cannot be on account of inaction by the operators.**
8. 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 reason 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.
9. **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.**
10. **Further, we request TRAI to share the number of complaints received (operator wise) regarding non-receipt of UPC by the subscribers so that the cases as percentage of**



total number of UPC generated can be analyzed. This will also help assess whether the issue is actually that substantial which requires the changes as proposed by TRAI.

11. 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 so as to ensure that this happens in a prescribed manner.
12. On the issue of rejection of the MNP request on various grounds, we would like to submit as below:
 - a. Since UPC is entered manually in EKYC app or physical CAF, there are chances of incorrect capturing. There are two major reasons for the human errors i) the executive of RO enters wrong code ii) UPC expires, i.e. MNP request reaches to the DO after expiry of UPC due to delayed initiation of MNP process by the subscriber or the executive of the RO. The percentage of rejections owing to these two grounds is quite significant and shouldn't be seen as a reason to change the MNP process.
 - b. The MNP Systems deployed by the operators enables the DO to verify the content of the UPC received from the RO through the MNPSPs. This process doesn't have any human intervention and is working well since the launch of the MNP service.
 - c. Thus, we don't perceive these grounds as reasonable enough to solicit shifting of the rejection process from the DO to MNPSP.
13. Further, the proposed process envisages sharing of customer information available in database of DO as well as RO with MNPSP. This has grave implications for not only the security of TSPs database but will also be the violation of the confidentiality terms under which the information has been collected from the customer and could also result in the misuse of the information by the MNPSP for its commercial gain. Hence, the exiting process of checking the rejection reasons should be continued.

We would also like to inform the Authority that one of our member RJIO has a divergent view on our submission. RJIO supports transferring the UPC generation and issuing responsibilities to MNPSP.

Q4. How can KYC information available with DO be verified during the MNP process to avoid fraudulent porting? Please elaborate.

COAI Response:

1. The issue of verification of the KYC information has been discussed on many occasions in the past. Options e.g. Name, Date of Birth, Addresses have been considered as information which can be verified during the MNP process to avoid fraudulent porting. However, the information e.g. name, address etc. depends on how it has been captured by a particular



operator, the likeliness of matching of this information between the database of DO and RO is not high. Further, any mismatch of such information (even for the same subscriber) will create false fraudulent cases and rejection of MNP request under these grounds will become substantial. Similarly, in case of Date of Birth (DOB), a large number of old subscribers have not provided their DOB since it was not a mandatory field at that time and hence DOB also cannot be used effectively to verify the KYC information available with DO and RO.

2. Furthermore, the cases of fraudulent porting are minuscule in comparison to the overall porting. Also, with the collaborative efforts of the operators and TRAI/DoT, these cases get resolved in a timely manner.
3. **Notwithstanding the above, if TRAI wishes to prescribe certain mechanism to curb the issue of fraudulent porting, then providing the Aadhaar number of the subscriber to the DO to verify the customer's information will be the most suitable option to avoid fraudulent porting.** However, the new mechanism of creating a Virtual ID of the Aadhaar number by UIDAI need to be considered and the process of verifying the Aadhaar should be deliberated in detail before prescribing the same to curb the fraudulent porting.
4. Also, the above option can be implemented only when the subscribers of all operators update their Aadhaar information and hence, **TRAI may consider this option once the desired Aadhaar based KYC for the telecom subscribers is completed.**

Q5. What are the challenges in implementing the proposed MNP processes / framework on the part of stakeholders' viz. TSP (as DO and RO) and MNPSP? Elaborate your answer.

COAI Response:

1. In this regard, we would like to reiterate our position that the proposed MNP process envisages sharing of customer information available in database of DO as well as RO 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 and could also result in the misuse of the information by the MNPSP for its commercial gain. 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 DO and RO. If the IT systems of MNPSP collapses or gets hacked by any chance then it will heavily impact the systems of DO and RO resulting into complete shut-down of systems.
2. 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.



3. Operators will have challenges regarding 24x7 activation/ deactivation, which is not possible in existing system & processes and will require huge cost. Further, 24x7 deactivation/ activation will disrupt continuity of services by customers and further lead to complaints as compared to the existing deactivation/activation window of 10 PM to 5 AM where impact to customers are minimal.

Q6. Whether MNPSP should be compensated towards the cost of generation and delivery of UPC to the subscriber through SMS? If yes, what mechanism can be adopted?

COAI Response:

1. In this regard, we would like to submit that the Per port Transaction Charge of Rs. 4 which the MNPSP gets from the RO is sufficient enough to cover the cost of generation and delivery of UPC to the subscriber through SMS. As a matter of fact, we would like to reiterate our position made during the review of per Port Transaction Charge that it should be prescribed at INR 2. Further, the porting transaction under the proposed process will have a lower amount of work done, hence the charges need to be brought down further.
2. Also, if TRAI prescribes the generation of UPC by the MNPSP along with compensation towards cost of UPC generation, the same would be passed on to the subscriber and hence, we suggest that the existing process should be continued.

Q7. What would be the appropriate mechanism to reinforce the accountability and role of MNPSP in the proposed scenario?

COAI Response:

1. The existing license conditions for the MNPSP don't cover the role of MNPSP as envisaged in the proposed process.
2. In order to reinforce the accountability of MNPSP, the role and responsibilities of MNPSP should be clearly defined in the MNP regulation.

Q8. What could be the mandatory obligations on part of the MNPSP?

COAI Response:

1. We don't see any merit in the proposal of UPC generation through MNPSP.
2. In case TRAI wants to go ahead with the proposal of UPC generation and checks with respect to UPC content by MNPSP, then TRAI should prescribe a detailed Service Level Agreement (SLA) for each task that the MNPSP is required to perform as per the proposal.
3. Also, in case of issues pertaining to non-generation of UPC or any other issues pertaining to MNP process, customers will approach the DO and hence a time bound consumer



grievance redressal will be challenging which TRAI must look into. Such proposed process may lead to more consumer complaints.

Q9. In the event of large scale disruption or sudden shutdown of network, what could be the appropriate alternative mechanism to ensure delivery of UPC and completion of porting process?

COAI Response:

1. In case of any large scale disruption or sudden shutdown of network, the best mode of alternate UPC delivery is through operator's Website & IVR. The process of UPC generation through website & IVR should be user-friendly and ensure authenticity of the request.

Q10. (a) Do you agree with the process for transfer of the prepaid balance to the subscriber's account as described in the consultation paper? What changes do you envisage in licensing/ regulatory framework to enable the provision? Please elaborate your answer.

(b) If the above process is not agreeable, please suggest alternate mechanism.

and

Q11. What should be the regulatory requirements to monitor efficacy of the provision of transferring the unspent pre-paid balance? Please elaborate your answer.

COAI Response:

1. **We do not agree with the proposal to transfer the pre-paid balance to the subscriber's account at the time of porting from one operator to another operator.**
2. There are many factors which should be considered by the Authority before exploring the option of prepaid balance transfer from DO to RO in case of porting of mobile numbers. Some of these factors have been outlined below:
 - a. **Cost of transfer:**
 - i. There is a need to do a cost-benefit analysis between the cost of transfer of the amount vis-à-vis the actual balance amount that needs to be transferred in each case. Most of the subscribers are aware of the fact that in case of porting, their pre-paid balance will get forfeited and hence they usually utilize most of the amounts before making the port request.
 - ii. Also, the tariff plans and structure of the existing products with free calls and certain GB data per day have substantially reduced the requirement of keeping prepaid balance in their core account for the subscribers. Going forward, we foresee that prepaid subscribers will continue to opt for the bundled products with free calls and certain amount of data, which will further reduce the balance amount available on the prepaid account of the subscribers.



- iii. **Hence, there is no apparent benefit which would be achieved by mandating the balance transfer of prepaid account from DO to RO in case of porting.**
- b. **Issues in keeping a threshold value:**
- i. TRAI in this consultation paper has highlighted the option that keeping aside some threshold value of prepaid balance towards meeting additional administrative expenses for transfer of unspent balance; the balance amount can be transferred/ refunded to the subscriber.
 - ii. In this regard, it is submitted that it would be difficult to explain to the subscribers regarding the deduction of that threshold value before initiating the transfer and would increase consumer complaints. Further, since the transfer of the balance will require efforts from both DO and RO, some of the pertinent issues such as which entity will deduct the amount and how it would be distributed amongst the DO and RO needs to be answered.
 - iii. It is pertinent to mention that Operators have been requesting TRAI to consider their request in case of post-paid refund to put a threshold value below which operators shouldn't be asked to refund the amount since the refund process itself will cost more than the actual amount to be refunded. However, TRAI has not entertained such requests of the operators, perhaps be due to the reason of discrimination and unfair treatment of some of the subscribers. Thus, in view of the same, threshold value cannot be defined for the prepaid balance transfer as well. Further, without recovering the cost to transfer the amount; it would be unjust on the operators to mandate them for transfer the balance amount for each subscriber.
- c. **Talk time balance cannot be converted into equal monetary value:**
- i. One important factor in the balance transfer is to consider the core balance amount equal to the exact monetary value which the DO will transfer to RO and in turn RO will credit the same amount in the account of the subscriber. However, in cases where the DO has given extra talk time to the subscribers, an anomaly would occur in the process.
 - ii. For example, consider a case where a customer recharges with INR 100 top-up which gives INR 125 talk time to the subscriber. Now assume the subscriber opted for porting without using any amount out of his balance. In this case, the DO would be required to transfer INR 125 to the RO whereas the DO only acquired INR 100 from the subscriber. Thus, it would be unfair to the DO to transfer the amount to RO which is not the actual amount DO had received from the subscriber. **Hence, the suggestion of TRAI given in Para 2.43 of the consultation paper is not tenable.**
3. **Thus, in view of the above, we request the Authority to not to enforce the transfer of pre-paid account balance in case of MNP process.**



Q12. In the proposed scenario of reduced MNP timelines, should the validity of the UPC be reviewed? If yes, what should be the period of validity of UPC? Please elaborate your answer with justification.

COAI Response:

1. In this regard, we would like to submit that the timeline for completion of MNP process should be same for all 22 circles unlike the current provisions where the timelines for Assam, J&K and NE are different from rest of the circles. Further, if TRAI decides to reduce this timeline then the same should be done considering the technical feasibility of the implementation and the UPC validity can also be reduced.
2. **We propose that the validity of the UPC should be at least twice of the timeline required for completion of the MNP process. A reduction in the UPC validity may lead to more porting rejections due to the expiry of UPC code.**

Q13. Whether it would be appropriate to review the existing structure of UPC? Please elaborate your answer with justification.

and

Q14. If you agree to above, does the proposed structure as discussed above adequately serve the purpose or would you suggest any other mechanism? Please elaborate your answer with justification.

COAI Response:

1. In this regard, it is submitted that the identification of the mobile number as prepaid or postpaid is being done easily by the operators and changes in the UPC content for identification of the number as prepaid or postpaid is not required.

Q15. Should the provision of withdrawal of porting request be done away with in the revised MNP process? Please state your answer with justification.

and

Q16. What additional changes do you envisage in the MNP regulations? Elaborate your suggestions.

COAI Response:

1. Provision of choice to the subscriber is the essence of the MNP and hence the choice of not going ahead with the MNP request should also be given equal importance. Thus, the option of withdrawal of porting request should always be there for a subscriber. Doing away with this process is restricting the subscribers from exercising his right of choice.
2. We would further like to submit that the existing process of withdrawal of porting request is inconvenient for the customer. Also, in the existing process the Donor Operator (DO) does



not get any information regarding initiation of withdrawal request nor about the action taken on it by the RO. Thus, TSPs as DO were facing difficulties to redress the consumer's complaints, for cases of non-cancellation of porting request.

3. In view of the above issues, we had submitted an SMS based process for withdrawal of the porting request which is customer-friendly, transparent and easy to implement. Same is enclosed as Annexure-1.
4. We would also like to inform the Authority that the said SMS based process has been implemented on a pilot basis by some of our member operators in one service area. It has made the withdrawal process highly convenient for the subscribers and a sizable number of withdrawal requests are being raised by the subscribers.
5. **In view of the above, we request the Authority to continue with the 24 hour timeline for the customers to withdraw the MNP request and mandate the implementation of the SMS based withdrawal process.**

Q17. Due to the difficulty envisaged, should the subscriber be allowed to reconnect his mobile number even after number return process is initiated? If yes, what could be the criteria? Please elaborate suitable method.

COAI Response:

1. The existing MNP regulation doesn't allow the RO to reactivate the number once the number has been disconnected due to non-payment dues (NPD) or any other reason.
2. The regulation also mandates that once a ported-in number gets disconnected, the RO is required to return that number to the original number range holder (ONRH) after 60 days from the date of such disconnection. Thus, if the subscriber wants that number to be re-activated, the reactivation can happen through the DO at least after 60 days from the disconnection from the RO.
3. This issue becomes more peculiar wherein the ONRH has shut down the operations and the MSC code to which that number belongs has not been allocated to any existing operator by the DoT. In such cases, once the RO disconnected the number, as per the Regulation, RO is required to return that number to the ONRH and in absence of ONRH to the DoT. Thus, there is no way for such subscribers to re-activate his number even after 60 days.
4. Both the situation envisaged above are critical for the subscribers as TRAI has rightly mentioned in the para 3.11 that mobile number has gained so much importance that losing one's number can have serious personal and financial implications.
5. In view of the aforesaid reasons and situations, we suggest that the **regulation should allow the RO to re-activate the ported in number even after disconnection provided that the subscriber approaches the RO within sixty days from the date of such disconnection.** This will ensure that the subscriber gets his number activated at the earliest and would also facilitate the NPD cases wherein the subscriber can make the requisite payments against such NPD and DO won't be in a loss. **This will also address those**



cases where the ONRH is no longer in operation so that subscriber can re-activate his number from the RO in order to continue with the same number.

Q18. Should the MNPSPs be allowed to charge for the ancillary services such as number return and bulk database download by TSPs? Please provide your comments with justifications.

COAI Response:

1. Recently, TRAI has prescribed the per port transaction charge (PPTC) as INR 4 through an amendment to the regulation namely the Telecommunication Mobile Number Portability Telecommunication Mobile Number Portability Per Port Transaction Charge and Dipping Charge Regulations. While calculating the PPTC as INR 4, TRAI has considered the total cost of the MNPSP which MNPSP incurs in the provisioning of complete MNP process including the ancillary services e.g. number return and bulk data base download by TSPs.
2. Since TRAI has already included all the costs of the MNPSPs which they incur to manage all processes pertaining to MNP, there should not be any separate charges applicable for the ancillary services such as number return and bulk database download by TSPs.
3. Further, as per our submission to TRAI during the consultation process to determine the PPTC, we would request TRAI to revise the PPTC from INR 4 to INR 2.

Q19. Would the new technologies, such as block chain, be helpful for facilitating faster and transparent MNP process? What can be the possible advantages and challenges? Please elaborate.

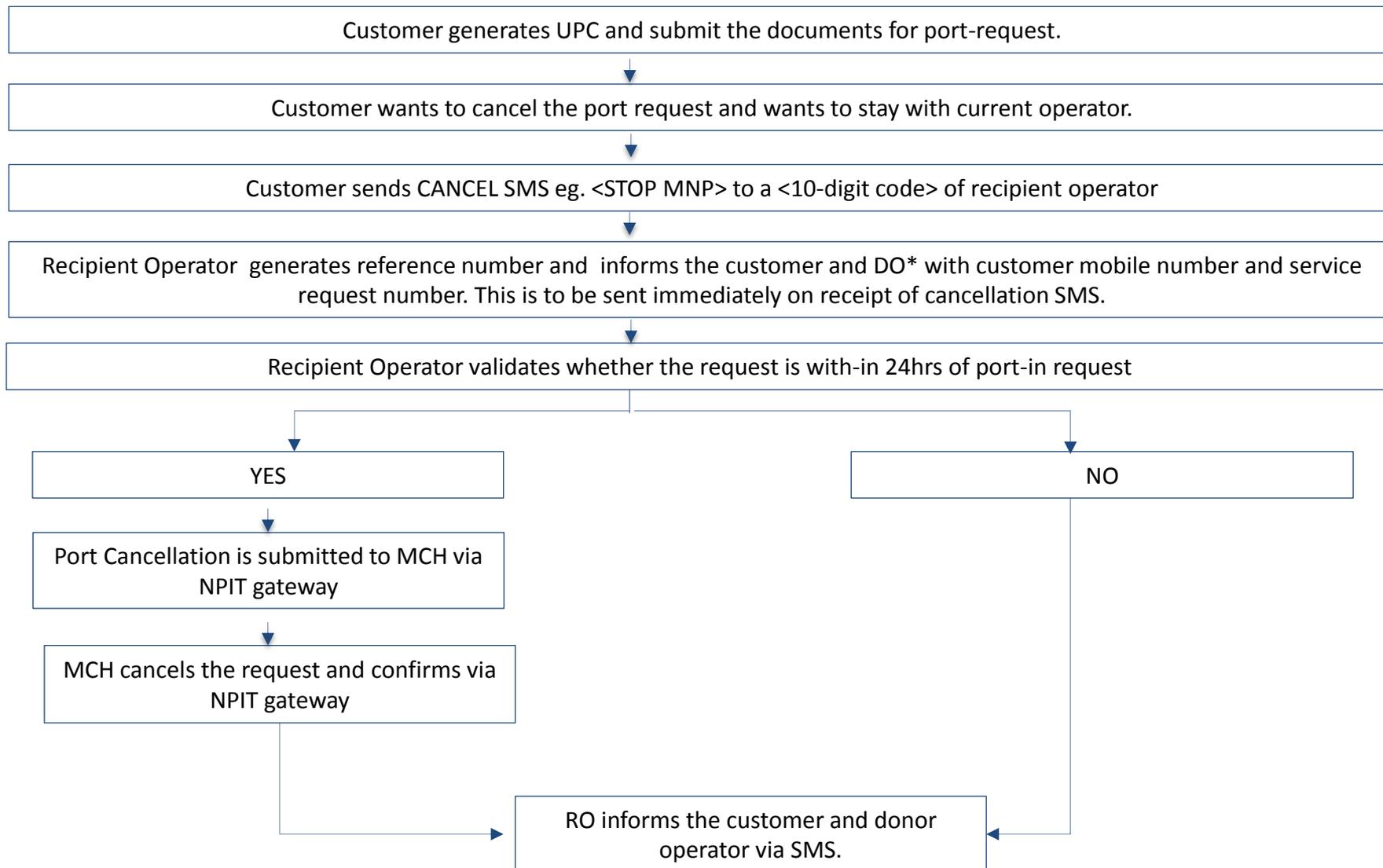
COAI Response:

1. In this regard, it is submitted that it would be too early to consider the adoption of technology like Blockchain considering the nascent stage of the technology. Further, before adopting a technology in a regulatory framework, it would be appropriate to first consider all the aspect of such technologies especially from the point of view of cyber security, data privacy etc.
2. We would like to suggest that TRAI should initiate a separate consultation process to cover all the emerging technologies e.g. Blockchain, Big data analytics, Artificial Intelligence which should cover the issues pertaining to the working of these technologies, concerns pertaining to data privacy, cyber security etc. and the specific use cases of these technologies in the telecom sector.

Q20. If there are any other issue(s) relevant to the subject, stakeholders are requested to offer comments along with explanation and justifications.

COAI Response: No Comments.

Proposal on SMS Based Process for Withdrawal of the Porting Request



- Each operator to create its own 10-digit code and reference number is generated on acceptance to customer. 24 Hr period to be counted from the time RO submits the application to MCH
- *For this, RO to send SMS to DO on its 10 digit number notified by DO for cancelation