



RSM/COAI/2015/088

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The Telecom Regulatory Authority of India  
Mahanagar Door Sanchar Bhawan  
Jawahar Lal Nehru Marg (Old Minto Road)  
New Delhi-110002

**Subject: Joint Industry response to TRAI draft “Telecom Consumers Protection (Eighth Amendment) Regulations, 2015”**

Dear Sir,

This is with reference to the TRAI draft “Telecom Consumers Protection (Eighth Amendment) Regulations, 2015” issued on 29.04.2015.

In this regard, please find enclosed COAI submission on the said draft Regulation as Annexure – 1.

Considering the importance of the issues highlighted in draft Regulation, we request you to kindly grant us time for a meeting before finalising the draft, so that we can explain our views/suggestions highlighted in our response in detail.

We believe that our submission will merit your kind consideration.

Thanking you,

Yours faithfully,

**Rajan S. Mathews**  
Director General  
COAI

**Cc : Dr. Vijayalakshmy K Gupta, Member, TRAI**  
**: Shri. Anil Kaushal Member, TRAI**  
**: Shri. Sudhir Gupta, Secretary, TRAI**

**I. Preamble:**

- 1) At the outset we would like to submit that all our member operators are committed to safeguard the interest of their data subscribers by providing them their usage and data tariff related information, regularly and in the most transparent manner.
- 2) Our members are also committed to safeguarding their data customers from any kind of Bill shocks due to the usage of data services and have already taken various initiatives in this front.
- 3) With this premise we would like to make following submissions with regards to the Activation and De-activation of the data services:

**a) Regulation on Data activation will hamper the key government initiatives/Digital India Programme:**

- i) Digital India is an ambitious programme of the government of India to prepare the country for a “knowledge economy”. The objective of the Digital India initiative is increased uptake and penetration of the digital communications services via enriched broadband and massive outreach of the services.
- ii) However at present, the broadband connectivity in India is one of the lowest in the world. TRAI has itself submitted in its Recommendations on Broadband titled “Delivering Broadband Quickly: What do we need to do?”, that India ranks 125<sup>th</sup> with respect to fixed broadband and 113<sup>th</sup> with respect to wireless broadband among the other developed and developing countries.
- iii) TRAI has also highlighted that there are several supply side and demand side barriers which needs to be removed in order to increase the Broadband penetration in India.
- iv) In this regard, we believe that if the socio-economic benefits of broadband are to be realized, then adoption needs to be actively encouraged by the government through a **light touch Regulatory approach towards the service providers providing the service to the consumers.**

**b) Data Deactivation and Reactivation process through 1925 already exists:**

- i) We would like to submit that even today there exists a standard mechanism wherein customers can request for deactivation of the data services through short code of 1925.
- ii) All the operators are using this customer friendly option to deactivate data service and the Short code is accessible through any of the commonly used self-service options i.e. SMS or IVR.
- iii) Further, the operators are also in process of creating awareness of this mechanism among its customers by informing them through SMS broadcast about this option for easy deactivation of data service through **a toll-free short code i.e.1925.**

iv) Thus, we believe that the concerns of the consumers are already being addressed by the above mentioned mechanism as the customer has the option of easily deactivating the data services. **Hence we are of the view that there is no need for the further regulation on the issue.**

**c) Data is a Core Bearer service:**

i) We wish to submit that Data along with Voice (Local, STD, and ISD), SMS & Roaming are part of the core bearer services and hence it is provisioned as a part of core services. Unified License (UL) prescribes following clause for the scope of the Access Service:

**“Scope of Access Service:** *Scope of this authorization covers the following:  
2.1(a)(i) The Access Service under this authorization covers collection, carriage, transmission and delivery of voice and/or non-voice MESSAGES over Licensee’s network in the designated Service Area. The Licensee can also provide Internet Telephony, Internet Services including IPTV, Broadband Services and triple play i.e. voice, video and data...”*

ii) We believe that in the very near future, data would become the key service preferred over Voice and SMS.

**d) Opt-in process for data activation will lead to consumer inconvenience:**

i) As the customers consent are received for using the Voice, SMS and Data by the operators through CAF they are also made aware of the tariffs for all different bearer services activated on the SIM i.e. Voice, SMS, Data as well as Roaming.

ii) We are of the view that separate opt-in for data services through short code would lead to inconvenience to a majority of customers who are eagerly looking forward to use data services with the high proliferation of cheaper data capable devices and smartphones.

iii) Further, Internet accessibility depends on the device compatibility, device settings and proper GPRS settings. In current scenario even when data is pre-activated, due to issues with handset settings or GPRS settings, many customers find it difficult to access internet. Stopping pre-activation of data services will add to the inconvenience of customer and he will not be able to find out the actual reason (service activation /device setting/ GPRS settings) behind inaccessibility of internet. In majority of cases customers will not try hard and this will hamper growth of internet literacy.

**Industry Suggestion:**

In light of the above, we would like to submit as follows:

a) The proposed Draft Regulation on activation of data services will hamper the Digital India initiative.

b) Easy process for Data Deactivation and Reactivation process already exists through 1925.

- c) Data is a Core service and mandating opt-in will lead to consumer inconvenience.
- d) In light of the above and in order to ensure take-up of broadband & data services, the current mechanism of activation and deactivation of data should be continued with.

**II. Industry Submission on each proposed Regulation is as below:**

**1) Regulation 10A (1) : Information to consumers on data usage - (Volume Based Users)**

*“Every service provider shall, through SMS or USSD, provide to all subscribers of the Cellular Mobile Telephone Service, on whose mobile phone data services are activated, except those subscribers who have availed data plan through special tariff vouchers or combo vouchers or add-on pack, after every five thousand kilobytes of data usage, the quantum of data used during the validity period or -billing cycle and the tariff for such usage of data.”*

**Industry Response:**

We would like to submit that based on technical capabilities, operators **should be allowed to implement any one of the following options:**

- a) **Option 1:** Operators will inform the customers about the internet usage and charges at the end of every data session.
- b) **Option 2:** Customers may be sent an SMS / USSD alert, after every 5 MB of data used, which will inform the customer about (a) the quantum of data used during the billing cycle **for Postpaid** and the tariff of data used for such period and (b) quantum of data used since the last alert for Prepaid and the tariff of data used for such period. We would hereby like to mention that as this solution currently does not exist, our members will require at least 4 months' time to develop the same.

Customers through this alert will also be prompted to opt for data (internet) packs informing them pack options and how to get the same.

**2) Regulation 10A (2) : Information to consumers on data usage - (Data Pack Users)**

*“Every service provider shall, through SMS or USSD, provide to the consumer, who has taken data plan through Special Tariff Voucher or Combo Voucher or add-on pack, or whose tariff plan provides for free or discounted tariff for data usage upto a certain limit, an alert each time immediately after consumption of fifty percent of the data, ninety percent of the data and hundred percent of data available to the consumer under the Special Tariff Voucher or Combo Voucher or add-on pack or the tariff plan, as the case may be..”*

**Industry Response:**

Based on technical capabilities operators should be allowed to **implement any one of the following options for both prepaid and postpaid customers:**

- a) **Option 1:** Operators will inform the customers about the internet usage, charges and remaining volume of the pack at the end of every data session.
- b) **Option 2:** Customers may have opted for multiple data packs. As a result, it will not be possible to calculate the 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 is saved from a bill-shock).
- c) **Option 3:** 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.

**3) Regulation 10A (3): Communication for International Roaming customers**

“Every service provider shall, through SMS or USSD, provide to the consumer, having international roaming facility on his mobile connection, an alert, immediately after the consumer roams outside the territory of India, advising him to deactivate the data services in his mobile phone if he does not want to use data services while roaming outside the country.”

**Industry Response:**

- a) Customers are informed about how they can deactivate data through their handset if they do not wish to use data.
- b) Customers 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.
- c) Customers going on international roaming are informed about the data usage charges while on international roaming.

**4) Regulation 10B. Activation or deactivation of data services:**

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- (1) *No service provider shall activate or deactivate the data service on the Cellular Mobile Telephone connection of a consumer without his explicit consent.*
- (2) *Every Cellular Mobile Telephone Service provider shall provide toll free short code 1925 for receiving request of the consumer for activation and deactivation of data service.”*

**Industry Response:**

- a) As highlighted in the preamble we believe that mandating data activation through a short code will hamper the take up of the internet/broadband services
- b) We further believe that the current mechanism of deactivation of the data services through short code of 1925 gives customers, not requiring data services, adequate option to discontinue the services.
- c) Also, customers not requiring data services can also request for deactivation of the same through the call centre of the TSP's.

**Industry Suggestion:**

- a) Current standard mechanism of Deactivation and Reactivation of the data services through the short Code 1925 to be continued.
- b) In the welcome message on the activation of the service, information regarding this mechanism is to be communicated to the subscriber.
- c) All the operators to create awareness of their mechanism through various channels i.e.
  - i) Through their website
  - ii) At Point of Sale
  - iii) Through Periodic publication i.e. every 6 months

**III. Resolution of the Complaints pertaining to the Data services:**

- 1) As per the Explanatory Memorandum of the draft Regulation TRAI has highlighted mainly four types of complaints being received by them with respect to the Data Services. We would like to make following submission with regards to these complaints:

**a) Non-availability of information relating to usage of data –**

As highlighted above all the operators are already providing the usage related information to its subscribers after the end of each session (for pre-paid subscriber). Further, Industry suggestion in Point No. 1 and Point No.2 highlighted above will address these complaints.

**b) Non-availability of information to consumers whenever the data pack is exhausted or when the quantum of concessional or discounted tariff in a plan is exhausted and for further usage the customer is charged at the default tariff for data-**

Industry suggestion highlighted in Point No.2 above will address this concern as all the operators will be providing the consumption related information to both its pre-paid and post-paid subscriber on the data pack.



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**c) Non-availability of information to international roaming consumers about the tariff for data while on roaming and information relating to usage-**

Industry agrees to the proposed Regulation of TRAI i.e. "Every service provider shall, through SMS or USSD, provide to the consumer, having international roaming facility on his mobile connection, an alert, immediately after the consumer roams outside the territory of India, advising him to deactivate the data services in his mobile phone if he does not want to use data services while roaming outside the country". Please refer point No. 3 above.

**d) Activation of internet service on mobile phones without the explicit consent of the consumer-**

- i) As highlighted above the data services are the core services and the consent of the subscriber for using voice, SMS and Data is taken together through CAF.
- ii) In order to safeguard the interest of the subscriber the common Industry mechanism for deactivation and reactivation of the Data services through 1925 already in place.

**Timelines: Industry should be granted adequate time for implementation/ any required changes in the configuration. The timelines may please be agreed in consultation with the industry.**

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