



RSM/COAI/2017/018

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**Subject: COAI submission on TRAI Consultation Paper on "Issues related to
Closure of Access Services"**

Dear Sir,

This is with reference to the Consultation Paper on "Issues related to Closure of Access Services" issued by TRAI on November 30, 2016

In this regard, please find enclosed our response on the consultation paper.

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

Thanking You,

Yours faithfully,

Rajan S. Mathews
Director General
COAI



**Response to
TRAI Consultation Paper
on
Issues related to Closure of Access Services
Released on November 30, 2016**

I. Preamble:

We appreciate the Consultation Paper issued by the Authority on issues related to Closure of Access Services. We would like to make following submissions on various issues highlighted in the paper:

1. Given some of the recent precedents of discontinuity of service by the TSPs, issues raised by the Authority in this paper are pertinent, however we are of the view that there is no need to make any changes in the UL, except that Clause 30.3(b) of the Unified Licence be amended to the extent of deleting the line, ***“The Licensor reserves the right to reject such request”***.
2. We also submit that as long as the TSP is offering any of the authorized services under UL, the process of discontinuation of any of the permissible services, should entail intimating DoT/TRAI for the purposes of information only. The existing timelines provided under UL i.e. 60 days’ notice to DoT/TRAI and 30 days’ notice to consumers may be applied in this instance as well.
3. With regards to the issues pertaining to the spectrum trading, we would like to submit; the current process is fine. There is no need to prescribe separate timelines for different steps as this will lead to an excessive micro-regulatory approach.

II. Query wise Response:

Q1. Is there a need for modification of the UASL and CMTS licences in line with Clause 30.3(b) of UL, for those licensees who have liberalized their administratively allocated spectrum?

1. We submit that, so as to ensure parity in the Licence terms and conditions and enable closure of service, there is a need for a modification in UASL and CMTS licenses in line with

Clause 30.3(b) of UL. However, liberalization of administratively held spectrum need not be a pre-condition/reason to modify the UAS licenses.

Q2. Should discontinuation of services being provided through a particular technology, say CDMA, be treated same as discontinuation of any of the service under a Service Authorisation as per Clause 30.3(b) of UL? Please provide details along with justification.

and

Q3. What other conditions in these licenses be modified so as to keep pace with the developments? Please justify your answer.

COAI Comments:

1. The discontinuation of services and discontinuation of a technology are two different things. Discontinuation/closure of services and surrender of license have the same resultant effect on consumers i.e. service disruption. Hence, both should be treated at par with each other.
2. We also request that Clause 30.3(b) of the Unified Licence be amended to the extent of deleting the line, "*The Licensor reserves the right to reject such request*". The said clause allows TSPs to discontinue any of their services after due intimation to DoT, TRAI and their subscribers, and within that context, the said line is not relevant.

Q4. Regarding spectrum trading process, the Stakeholders are requested to comment upon the following:

(a) Is there a need to define a time-limit for DoT to take into its records the prior intimation given by TSPs regarding the spectrum trading? Please suggest time-lines for different activities within the Spectrum Trading Process.

(b) Should the advance notice period to subscribers' be enhanced from 30 days period to say, 60 days, in case of closure of services so that a subscriber has sufficient time to consume his talktime balance? Please provide justification to your response.

(c) If a TSP is selling its entire spectrum in the LSA and intends to discontinue its access services being provided to its subscribers, should the TSP give the 60 days' advance notice to Licensor, TRAI and its subscribers, only after the spectrum trading is acknowledged by DoT/WPC as suggested in Para 23.

(d) Give any other suggestion to improve the existing Spectrum Trading Process.

COAI Comments:

1. We believe that the existing limit of 45 days' prescribed under the spectrum trading guidelines is sufficient in all cases except where the entire spectrum is being traded.
2. The pre-paid balance of customers can easily be consumed in 30 days period and the timelines defined in UL should not be altered in any manner. There should not be any change in timelines as defined in the UL, this may have cascading repercussions.
3. We further, recommend that the spectrum trading process and the 60/30 days' advance notice to the Licensor/public should not be interlinked in any manner. Any attempt at determining the notice period of 60/30 days pursuant to the clearance of a spectrum trading deal will only delay the closure of the spectrum trading deal.

Q5. What mechanism should be put in place to ensure that subscribers are informed about the closure of services/change of access technology transparently and effectively by the TSPs? Should TSPs be directed to follow a specified mode of communication(s) as detailed in para 30 for informing subscribers or what could be other mode of communications?

COAI Comments:

1. We submit that the impacted subscribers can be intimated through various channels, such as SMS, pre-recorded messages, emails, website, press release etc., in English or the local language.
2. We believe that the necessary steps can be left to the individual TSPs and should not require any Regulatory intervention or mandate.

Q6. Will it be appropriate that the responsibility of verification of time-period elapsed since the last porting (i.e. 90 days period) be shifted from MNPS to the Donor Operator so that subscribers' port-out requests are accepted irrespective of his age on network in case of closure of services?

COAI Comments:

1. We recommend that in the customers' interests, the clause regarding the 90 days' lock-in period should be removed in case of the closure of services. Once the service provider has decided to discontinue a particular service/technology, all its affected subscribers should be given equal opportunity for porting out. Therefore, in the case of closure of services, an exception should be made in the MNP regulations for the removal of the 90 days' lock-in period.

Q7. In case a TSP changes the access services technology and asks his subscribers to migrate to newer technology, should the tariff protection, carry-over of unused talk-time balance and benefits be extended to such subscribers upon migration to new technology for the contracted period?

COAI Comments:

1. Yes, the subscriber may be provided tariff protection upon migration to new technology with the same TSP. This will enable the subscriber to carry over unused talk-time balance and benefits extended to such subscribers.

Q8. How much time period should be given to the subscribers to port-out after closure of commercial services i.e. for how long the system should remain active to facilitate porting? Should the validity of the UPC in such cases coincide with such time period?

COAI Comments:

1. As stated in our response above, the notice period of 30 days is sufficient for porting out. The UPC should remain active during this time to facilitate porting.

2. Further, it is submitted that in case the subscriber has not opted for porting during the prescribed 30 day period, the number should after the lapse of 30 days revert to the Government/Licensors.

Q9. What other changes should be made in the MNP Regulation to ensure smooth bulk porting-out of the subscribers in the event of closure of access services or change of access technology by any TSP?

COAI Comments:

1. We suggest following changes in the MNP Regulation w.r.t smooth bulk porting-out of the subscribers based on customer' request in the event of closure of access services :

a. The check for age on network should be shifted from MNP operator to Donor operator.

b. The validity of UPC may be extended to 30 days instead of 15 days in case of closure of services.

c. Additional porting codes may be opened up by TRAI for 30 days so as to facilitate seamless porting.

Q10. Will it be appropriate that the change of technology within a licensee (TSP in a given LSA) be removed from the definition of MNP?

and

Q11. Is there a need for an alternative mechanism to MNP for bulk transfer of subscribers from one TSP to other TSP(s)? If yes, please give suggestions.

and

Q12. Should a TSP be allowed to transfer its subscribers, who have not been able to port-out to other TSPs before closure of service, to another TSP whenever the services being rendered by that TSP are going to be discontinued? What can be associated issues and challenges? Please provide details.

COAI Comments:

No Comments

Q13. If there are any other issues relevant to the subject, stakeholders may submit the same, with proper explanation and justification.

COAI Comments:

All the relevant issues have been highlighted by us in the preamble for the Authority's consideration.
