

Dear Mr. Robert J Ravi / Sunil Gupta,

I went through the Consultation Paper No.13/2012 titled "Consultation Paper on Review of The Telecom Commercial Communications Customer Preference Regulations, 2010" dated 03-AUG-2012. My views are here below:

**To point 1.3 in page 2 of the above paper**

1. The termination charge of Re.0.05 (five paisa) is not helping enterprises to achieve mass reach at economies of scale. Today SMS is a very powerful medium of communication and is tool for targeted mass consumer reach. Disciplined use of this channel should be highly encouraged. On the contrary, Promotional SMS has not only become more expensive, but also forced enterprises to cut on such campaigns which have a huge impact on their business. In this whole process, the bigger beneficiary is the Telecom companies as this is a huge revenue generating opportunity for telcos. Except the Telcos, none is benefited in the value chain – enterprises or aggregators. This termination charge should be removed with no compromise on compliance to TRAI guidelines. Disciplined use of promotional SMS with strict compliance to TRAI regulations should be encouraged at cost-effective tariffs. This will be a huge help to the industry.
2. The termination charge has also led to gross misuse of transaction routes and several interpretations of the TRAI guidelines to justify the complaints to the advantage of violating aggregators/telemarketers and telcos.
3. This has also led to innovative channels like promotional sms through international routes, gsm modem farms hosting 100s of SIMs, etc. to circumvent the Re.0.05 paise payout.
4. Telcos have sensed another huge opportunity - For promotional sms to subscribers of their own network, they have increased the rates for promotional sms by at least 150%. They not only make 5p when messages hit their subscribers through other networks, but also make 150% more when sms are originated through their smsc for their own subscribers. This has hit the aggregators and enterprises very severely. For aggregators to manage this, they need to get connected to every SMSC of all Telcos, pay deposits, etc. This is becoming very complex, expensive and is on the brink of becoming unviable for enterprises and aggregators to use this powerful channel of communication.
5. With so many restrictions and bottlenecks, this channel might become just a peer-to-peer tool for trivial interactions than being used as a powerful business communication medium. I request TRAI to seriously consider reversing the Re.0.05 termination charge as immediately as possible.

**To 2.1 – Signature verification of SMSs**

1. *What are your views on the proposal of blocking the delivery of SMS from the source or number or entity sending more than a specified number of promotional SMS per hour with similar signatures as proposed in the above para?*

This can be implemented for UNREGISTERED TELEMARETERS only. Predominantly such SMS blasts come from 10-digit originating numbers. By

restricting the total number of SMS, this issue can be solved. I recall there was a restriction of 200 SMS a day for prepaid and 6000 SMS a month for postpaid subscriptions. If this can be diligently implemented by Telcos, promotional SMS blasts from modem/sim farms can be largely controlled. With so many controls in place for telemarketers and Telcos, an unregistered telemarketer has no other way to originate promotional SMS but from a 10-digit subscription. With the 10<sup>th</sup> Amendment also being considered, the problem should be controlled to a large extent.

2. *What should be the limit on the number of SMS per hour to be specified in this regard? Please give your views along with reasons thereof.*

In case TRAI looks at restricting the number of SMS per hour than the number of SMS per month, then it should be 10 per hour so that the reach is just 240 SMS per day. Nothing significant can be achieved by unregistered telemarketer and this restriction will bring in a great control on UCCs by unregistered telemarketers.

### **To 2.2 – Proper signing of third party agreements**

1. *Please give your comments on the proposal to mandate the telecom service providers to obtain an undertaking/agreement from registered telemarketers and other transactional entities that in case they want to outsource promotional activities to a third party, they will engage only a registered telemarketer for such promotional activities. What are the other options available to control such activities? Please give your views along with reasons thereof.*

This option can be implemented but in my view this will not directly help in eliminating UCCs by unregistered Telemarketers.

### **To 2.3 - Disconnection of telephone number of the entity for whom the promotional communications are being sent.**

1. *Please give your comments along with reasons thereof on the proposal to disconnect telecom resources after ten violations, of entities for whom the promotion is being carried out? Also indicate whether ten violations proposed is acceptable or needs a change. Justify the same.*

This is a fantastic suggestion. The entities encouraging promotional sms campaigns through unregistered Telemarketers also should be penalized. Ten complaints is too much an opportunity for violators. My view is to make it 3 (three) violations. And also, the entity involved in the campaign should be fined heavily when the violations exceed 3 (three) instances.

2. *What additional framework may be adopted to restrict such subscribers or entities from sending UCC, other than the one proposed above?*

I think the above and what is contemplated in the 10<sup>th</sup> amendment should be fine to begin with.

## **To 2.4 – Lodging of UCC complaints**

1. *What are your views on the time frame for implementation of the facility for lodging UCC related complaints on the website of service providers? Please give your comments with justification.*

This is mandatory and it should be done as early as possible.

2. *Do you propose any other framework for registering UCC complaint for easy and effective lodging of complaints?*

Facility should be given through all available communication channels for easy and lodging of complaints.

From

**R. RAVI**  
**MERU CONSULTANTS & TECHNOLOGIES PVT LTD**  
**HARIRAM BUILDING, 3<sup>RD</sup> FLOOR**  
**37 COLLEGE ROAD**  
**CHENNAI 600006**  
**Mobile: +91-98404-19586**  
**Direct: +91-44-42036616**  
**Email: [ravi@meru.co.in](mailto:ravi@meru.co.in)**