

02-03-2017  
Rasipuram

**To,**  
Shri Asit Kadayan,  
Advisor (QoS),  
Telecom Regulatory Authority of India  
Mahanagar Door Sanchar Bhawan,  
Jawahar Lal Nehru Marg,  
New Delhi-110002

**Subject:** Comments on TRAI Consultation Paper - 'Net Neutrality'

**Dear Sir,**

Please find my responses below on this consultation paper.

**Q.1** What could be the principles for ensuring nondiscriminatory access to content on the Internet, in the Indian context?

**Comment:**

Agree with what the committee had suggested as guidelines (User Rights, Contents, Devices, Harmful Practices) with few more additions as below:

1.) **Mode of transmission/access layer (Wired Versus Wireless).**

 **Public Wifi / Sponsors of Public WiFi shouldn't get any special treatment and all this principles should be applicable to them as well.** This will give the level playing field to all ISPs, agree that sponsors needs to make out money(Nothing is free in this world :) ) but that shouldn't be based on the discrimination of service.

**Q.2** How should "Internet traffic" and providers of "Internet services" be understood in the NN context?

(a) Should certain types of specialized services, enterprise solutions, Internet of Things, etc be excluded from its scope? How should such terms be defined?

(b) How should services provided by content delivery networks and direct interconnection arrangements be treated?

Please provide reasons.

**Comment:**

No, Specialized services in general, enterprise solutions, Internet of Things, etc **shouldn't be excluded and they should be defined under general/broader category** since data for these services are transmitted over internet/public network which may hinder other services.

May be specialized services needs to be categorized further into different sub categories (e.g., Specialized service can be further divided to Medical Emergency, National Disaster Management, Security etc..) and exclude only these specific services from Net Neutrality.

Content Delivery Network & Direct Interconnection arrangements should not be treated differently for NN. Reason is that this will give choice to the ISPs / CDN providers to differentiate their service through WAN or Peer to Peer Access methods and become not part of this policy.

**Q.3** In the Indian context, which of the following regulatory approaches would be preferable:

- (a) Defining what constitutes reasonable TMPs (the broad approach), or
- (b) Identifying a negative list of non-reasonable TMPs (the narrow approach).

Please provide reasons.

**Comment:**

Believe that the broad approach suits best in the Indian Context.

Main reason is difficulties associated in identifying exhaustive list of negative items and adding it to the regulation based on revision which would take longer time and some ISPs might have enjoyed this within this timeframe.

**Q.4** If a broad regulatory approach, as suggested in Q3, is to be followed:

- (a) What should be regarded as reasonable TMPs and how should different categories of traffic be objectively defined from a technical point of view for this purpose?

**Comment:**

As long as TMP is to address network congestion, integrity and security of the networks subject to the regulatory principles and not based on commercial interest, it can be regarded as reasonable TMP.

- (b) Should application-specific discrimination within a category of traffic be viewed more strictly than discrimination between categories?

**Comment:**

Yes, if there is any discrimination in any traffic irrespective of category (other than exempted category) then it should be considered as violation.

- (c) How should preferential treatment of particular content, activated by a users choice and without any arrangement between a TSP and content provider, be treated?

**Comment:**

There shouldn't be an option for any preferential treatment of any particular content. If it is required for any specific reason, then that traffic shouldn't be over public internet.

**Q.5** If a narrow approach, as suggested in Q3, is to be followed what should be regarded as non reasonable TMPs?

**Comment:**

Not Applicable.

**Q.6** Should the following be treated as exceptions to any regulation on TMPs?

- (a) Emergency situations and services;
- (b) Restrictions on unlawful content;
- (c) Maintaining security and integrity of the network;
- (d) Services that may be notified in public interest by the Government/ Authority, based on certain criteria; or
- (e) Any other services.

Please elaborate.

**Comment:**

Yes, they should be treated as exceptions. As commented in Question 2, specialized services needs to be categorized further into different sub categories (e.g., Specialized service can be further divided to Medical Emergency, National Disaster Management, Security etc..) and exclude only these specific services from Net Neutrality.

Content Delivery Network & Direct Interconnection arrangements should not be treated differently for NN. Reason is that this will give choice to the ISPs / CDN providers to differentiate their service through WAN or Peer to Peer Access methods and become not part of this policy.

**Q.7** How should the following practices be defined and what are the tests, thresholds and technical tools that can be adopted to detect their deployment:

- (a) Blocking;
- (b) Throttling (for example, how can it be established that a particular application is being throttled?); and
- (c) Preferential treatment (for example, how can it be established that preferential treatment is being provided to a particular application?).

**No Comment.**

**Q.8** Which of the following models of transparency would be preferred in the Indian context:

- (a) Disclosures provided directly by a TSP to its consumers;
- (b) Disclosures to the regulator;
- (c) Disclosures to the general public; or
- (d) A combination of the above.

Please provide reasons. What should be the mode, trigger and frequency to publish such information?

**Comment:**

It should be the combination of the above , mode should be through API as well as publication to the regulator in the pre-defined format and through publication for the general public.

Trigger and frequency to publish such information is whenever there is any change in these parameters or on monthly basis.

**Q.9** Please provide comments or suggestions on the Information Disclosure Template at Table 5.1? Should this vary for each category of stakeholders identified above? Please provide reasons for any suggested changes.

**Comment:**

It would be better to categorize the 'Performance Details' for both peak and non-peak periods along with the maximum and minimum thresholds/QoS parameters instead of 'Typical'. This will set the right expectation to the consumer and avoid unnecessary complaints from the consumers by both ISP as well as regulator.

**Q.10** What would be the most effective legal/policy instrument for implementing a NN framework in India?

- (a) Which body should be responsible for monitoring and supervision?
- (b) What actions should such body be empowered to take in case of any detected violation?
- (c) If the Authority opts for QoS regulation on this subject, what should be the scope of such regulations?

**No Comments.**

**Q.11** What could be the challenges in monitoring for violations of any NN framework? Please comment on the following or any other suggested mechanisms that may be used for such monitoring:

(a) Disclosures and information from TSPs;

**Comment:**

Getting right values from TSP may be difficult if there is any chance for the ambiguity in the information required. So there should be a mechanism through which TSPs should be able to provide the required information to the authority using APIs for the given criteria (e.g., Period - Date & Time, Type of Data required etc...).

(b) Collection of information from users (complaints, user-experience apps, surveys, questionnaires); or

**Comment:**

Better to publish the standard format for the complaints based on category so that it will capture all the necessary information for the category of complaint and if required complainant can provide some proofs as well (e.g., Screen Shot or Traffic Analysis)

(c) Collection of information from third parties and public domain (research studies, news articles, consumer advocacy reports).

**Comment:**

Same as above (i.e., Better to publish the standard format for the complaints so that it will capture all the necessary information for the category of complaint and if required complainant can provide some proofs as well (e.g., Screen Shot or Traffic Analysis))

**Q.12** Can we consider adopting a collaborative mechanism, with representation from TSPs, content providers, consumer groups and other stakeholders, for managing the operational aspects of any NN framework?

(a) What should be its design and functions?

(b) What role should the Authority play in its functioning?

**Comment:**

Yes, but primary responsibility or authority should be with the regulator not with the other representatives.

**Q.13** What mechanisms could be deployed so that the NN policy/regulatory framework may be updated on account of evolution of technology and use cases?

**Comment:**

As part of any evolving technology implementation / consideration of other use cases, presume that DoT/TRAI will be involved at the initial stage itself (for approval). As part of this process, analysis should be done to check whether there is any change required on NN policy/regulatory framework and if required, next steps needs to be initiated for the necessary updates.

**Q.14** The quality of Internet experienced by a user may also be impacted by factors such as the type of device, browser, operating system being used. How should these aspects be considered in the NN context? Please explain with reasons.

**Comment:**

Yes, there is high chance for this and this is already considered in the 'Information Disclosure Template'. So, the first step should be to check whether the complaint is legitimate or not. If it is legitimate, then need to take necessary action based on violation of NN Policy/regulatory framework.

Thanking you,

Yours Faithfully,  
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