

Aircel Group Response to
Telecommunication Mobile Number Portability
(Fourth Amendment) Regulations, 2012

- 1) **TRAI Proposed Regulation Amendment:** *“(1) If any service provider contravenes the provisions of sub-regulation (6) of regulation 8 or regulation 10 or sub-regulation (4) of regulation 11 or sub-regulation (6) of regulation 11, it shall, without prejudice to the terms and conditions of its licence or the provisions of the Act or rules or regulations or orders made, or, directions issued, thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding five thousand rupees for each contravention, as the Authority may, by order direct:*

Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.”

Response:

- i) **Regulation 11 sub Regulation 4:** DO on the receipt of the instructions from MNPO for the disconnection of mobile number immediately and in any case within **one hour of receipt** of such instructions, comply with such instructions; and report compliance of such instructions to the MNPO.
 - ii) **Regulation 11 sub Regulation 6:** RO on the receipt of the instructions from MNPO for the activation of mobile number immediately and in any case within **one hour of receipt** of such instructions, comply with such instructions; and report compliance of such instructions to the MNPO.
- a) With regards to the porting window i.e. on Sub Regulation 4 and 6 of Regulation 11 we would like make following submission:
- i) We would like to highlight the fact that implementation of MNP in India was a very complex exercise, with implementation across 22 service areas, 180 networks and two MNPOs. Several complex and technical issues were involved.
 - ii) There is dependence on MNPOs for various technical and process related issues. It has been observed that while operators porting systems have been designed to meet the one hour window, there are various external factors due to which there may be delay in the clearance of porting requests as frequency of porting requests received varies. On many occasions the number of requests exceeds the system capacity thereby causing delays.
 - iii) Further, the MNPSPs tend to push most of the porting requests within the first few hours of the total daily transaction timeframe thereby choking the system capacities while for the rest of the period there are very few requests.
 - iv) Another major reason is the complexity of MNP systems and its dependency on various internal network & IT systems such as HLR, IN, SMSC etc before activating/deactivating any ported number. Owing to the continuous updation in technical systems to improve performance or due to network latency issues or to comply with DoT/TRAI requirements requiring changes in network nodes, etc., occasionally downtime of such systems is taken which results in delay in deactivation/activation in that time period.
 - v) Based on the practical experience, we believe that the benchmark for both disconnection and activation should be minimum of **“2 hours for 95% of the Porting cases excluding network”**

downtime/latency related issues". Since, the porting activity is scheduled during the night; customers will not face any difficulties despite the porting timelines increasing to 4 hours (2 hours for disconnection and another 2 hours for activation).

- vi) In case of pt no (ii) above i.e. Regulation 10 above; the DO has to give clearance to porting request within 4 days, in absence of which MNPO is deemed to take it as clearance. If no action results into deemed acceptance, then there should not be any need to put any financial disincentive. Operators, with their limited manpower resources, are currently putting efforts on the numbers where there may be any ground of rejection rather than checking entire set of porting requests, thus optimally utilizing the existing resources to meet stipulated timelines.
- b) In light of the above, so as to meet the desired objective, we suggest the following:
 - i) TRAI to follow an approach similar to QoS, wherein the thresholds are defined and operator's performance are monitored against the same.
 - ii) Quarterly QoS trends for each operator in this respect should be analyzed by TRAI.
 - iii) We suggest following Threshold for meeting the above process related timelines:

S.No	Suggested thresholds	
1)	On meeting the timelines for more than 95% cases of the total porting request	Should be considered as adequate
2)	On meeting the timelines for less than 95% cases of the total porting request	Should be considered as inadequate; if observed for two successive quarters TRAI may seek explanation

- iv) In case the operator fails to meet the thresholds for two consecutive quarters and the justification provided by the operator for the same is inadequate, **suitable action may be considered by the Authority against that operator.**
- v) **No financial disincentive/any action if DO does not give clearance/rejection i.e. no response within 4 days of receipt of porting request.**
- c) The above suggested approach would encourage operators to comply with the timelines prescribed by the TRAI but will also give them cushion against the un-avoidable external factors causing delay in the processes.
- d) **In light of the same, we request the Authority to review this sub-regulation and put in place practical /achievable benchmark.** We believe that with more practical benchmarks or thresholds in place, the chances of fulfilling the time commitment to the subscribers **will increase.**

- 2) **TRAI proposed Regulation Amendment:** *“(2) If any service provider contravenes the provisions of regulation 12, it shall, without prejudice to the terms and conditions of its licence or the provisions of the Act or rules or regulations or orders made, or, direction issued, thereunder, be liable to pay amount, by way of financial disincentive not exceeding ten thousand rupees for each wrongful rejection of the request for porting, as the Authority may, by order direct:*

Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.”

Response:

We would like to submit that similar approach as suggested in point no. c) above for the process related timelines, should be followed for the wrongful rejection of porting request, as well.