



AUSPI/12/2010/188

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Dr J S Sarma,  
Chairman,  
Telecom Regulatory Authority of India,  
Mahanagar Door Sanchar Bhawan,  
Jawaharlal Nehru Marg,  
New Delhi.

**Sub: AUSPI's response to TRAI Consultation Paper No.10/2010 on Review of measures to protect the interest of consumers in telecom sector**

Dear Sir,

Please find enclosed AUSPI's response to TRAI Consultation Paper No.10/2010 on Review of measures to protect the interest of consumers in telecom sector.

We request the Authority to kindly take our views into consideration while coming out with its recommendation on the subject.

Thanking you,

Yours faithfully,

**S.C.KHANNA**  
**SECRETARY GENERAL**

Encl: As above

- 1) Shri R. Ashok, Member, TRAI
- 2) Prof. H S Jamadagni, Member, TRAI
- 3) Shri R. K. Arnold, Secretary, TRAI
- 4) Shri S K Gupta, Advisor (CN & QoS), TRAI



## **AUSPI'S RESPONSE TO TRAI CONSULTATION PAPER NO 10/2010 ON REVIEW OF MEASURES TO PROTECT INTEREST OF CONSUMERS IN THE TELECOM SECTOR**

### **GENERAL**

Our members have taken several measures to protect the interest of consumers and made available telecom services at affordable price and ensured Quality of Services. Effective redressal of consumer grievances has been given high priority for which several measures have been initiated from time to time by Service Providers.

Due to enhanced level of competition and significant changes in the market conditions, the patterns of consumer behavior changes which requires a periodic re-assessment of the QoS Regulation. In this back ground, the TRAI's initiative to review the QoS regulatory arrangements is welcome in the context of the new market dynamics and consumer behavior.

At present the market conditions prevail wherein we are well on the road to providing 750 million subscribers in another five years, it is imperative that automated and web based systems for addressing such high volumes be incorporated. These should be scalable, robust and suitably designed to address large numbers. It is also pertinent to keep in mind the requirement of addressing diversity in languages and disabled friendly measures. With the increasing competition each operator is very conscious of delivering better quality of service to his customers. This combined with the forthcoming implementation of MNP will automatically encourage better service delivery to retain customers. Any aspects of MNP that should be build into this regulation itself in view that MNP is due to be implemented.

It is pertinent to mention here that there are numerous TRAI regulations on this subject are already existing:-

- a) Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009.
- b) Telecom Consumers Protection and Redressal of Grievances Regulations, 2007.
- c) Quality of Service of Broadband Service Regulations 2006.
- d) Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations 2006.
- e) Regulations on Guidelines for Registration of Consumer Organizations/Non-Government Organizations (NGOs) and their Interaction with TRAI, 2001.



The above numerous regulations need to be included into one single regulation for ease of understanding, monitoring and implementation by all the concerned stakeholders. This will also avoid the duplication / repetition of certain inter-related parameters. This will significantly facilitate easy interpretation by all.

AUSPI appreciates the Authority's views in the consultation paper that guidelines will be framed which would facilitate service providers to arrive at effective protection of interest of consumer and establishment of effective grievance redressal in the telecom Sector. Our views on the various issues in the consultation paper are as follows:

**5.1. What should be the benchmark for the parameter –Provision of a landline Telephone after registration of demand||? (Reference Para 2.11)**

As per the existing Quality of Service Regulation, the telephone has to be provided within 7days in all areas where telephone is available on demand, subject to technical feasibility. This parameter may be prescribed for monitoring by licensee only. No reporting may be prescribed to TRAI for its compliance.

**5.2. Do you agree that parameter –Provision of a landline Telephone after registration of demand|| may be removed from the list of parameters requiring mandatory compliance to the Authority? (Reference Para 2.11)**

AUSPI suggests this parameter may be prescribed for monitoring purposes by the licensees'. This should not be for reporting compliance to TRAI.

**5.3. Do you suggest any changes to the benchmark for the parameter for landline fault repair, including rent rebate for delay in rectification of fault? If so, please provide details. (Reference Para 2.16)**

The current benchmark for this parameter is:

**For urban areas:**

By next working day :> =90%

And within 3 days: 100%

**For rural and hilly areas:**



By next working day :> =90%  
And within 5 days: 100%

AUSPI concur with the view expressed by TRAI and present set of norms may be followed.

Delay at customer's end, building owner or society objections, cable cuts, cable thefts, water seepage in cables, power outages, and ROW issues should not be accounted for in the calculations of rent rebate for wireline and broadband services.

Also, there should be a distinction in the parameters for "remote" areas vis –a vis those for rural /hilly areas. There is only a definition of Urban as given in the census. (Source: <http://censusindia.gov.in/Metadata/Metada.htm#2b> It is very important to distinguish "rural" and "remote" subscribers. The latter refers to those whose access to the telephone network is difficult due to physical "remoteness" caused by either extreme distance or terrain or other law and order conditions. The QoS parameters for fault repair and rent rebate must take into account the above and the parameters for "remote" subscribers should be significantly more than that for rural subscribers.

**5.4. What framework do you suggest to ensure payment/adjustment of rebate for prolonged landline phone fault as per QoS regulations? (Reference Para 2.16)**

The present TRAI regulation on rebates for prolonged landline phone fault is okay and may be continued. The aspect of "remote" subscribers may be factored in suitably.

**5.5. How do you propose to ensure its effectiveness? (Reference Para 2.16)**

Our member TSPs are quite effective to ensure the compliance to the provisions, however, certain delays due to customer non- availability and delay at customer's end etc which are beyond the control of service providers and these should be excluded complaints and surveys / audits in the calculation of meeting the benchmark.

**5.6. Do you propose any changes to the existing provisions relating to shift of a landline telephone connection? (Reference Para 2.18)**

The benchmark may be considered for revision taking into consideration TRAI's benchmark for recovery (7 days) and installation (7 days) at new location.

**5.7. Do you suggest any change in existing provisions to ensure timely termination of service/closure? If so, please provide details. (Reference Para 2.22)**



TSPs to ensure that the billing gets arrested within 7 days from the time of consumer termination request and the bench mark towards termination of service/closure.

**5.8. Do you agree with the suggestions for seeking explicit consent of the customer, in writing or SMS or e-mail or FAX, to continue with the service, once a request has been made for termination of service? (Reference Para 2.22)**

We generally agree to the suggestions, however, SMS for termination should not be considered since there could be a failure in SMS delivery and also there is no fool proof way in which SMS can be preserved as proof of customer request.

**5.9. Do you agree with the time period of four weeks provided for resolution of billing/ charging complaints? If not, please suggest alternatives. (Reference Para 2.25)**

AUSPI agrees with the current Regulation of 100% resolution within 4 weeks. Monitoring of this parameter will help the service provider in collection of dues and also avoidable bad debts.

**5.10. Do you agree with present provisions regarding period of one week for applying credit/waiver/adjustment to customer's account upon resolution of billing complaint? (Reference Para 2.28)**

The existing Regulation regarding Period of applying credit/waiver/adjustment to customer's account from the date of resolution of complaints is within 1 week of resolution of complaint.

It is proposed by AUSPI that all such refunds in the form of credit/waiver/adjustment is applicable to the customers should be made within 10 working days from the date of resolution of complaint.

**5.11. What should be the time period and terms and conditions for refund of deposits after closure/termination of service? (Reference Para 2.32)**

Current benchmark for refund within 60 days is OK. When the payment has been made by cheque, the cheque clearing intimation should be excluded.

**5.12. What steps do you suggest for timely refund of deposits after closure/ termination of service? (Reference Para 2.32)**

The existing direction to refund the security deposit within the 60 days is sufficient and a separate QoS guideline is not required. In case there is any



delay than the subscriber is to be eligible to receive interest @10% beyond stipulated time.

The parameter is not required to be included in the QoS benchmarks for monitoring.

- 5.13. Do you suggest any changes to the present benchmark of 15 days for the parameter –Service provisioning/ Activation Time||? (Reference Para 2.34) &**

- 5.14. How the present provisions can be effectively implemented? (Reference Para 2.34)**

Provisioning of service within 15 days should be removed from monitoring parameter list in case of broadband services as the timeframe is heavily dependent on Customer's availability.

The present provisions can be effectively implemented by strictly adhering to the QoS regulations.

We do not have control over the readiness of the customer premises, this can be a condition conveyed to the customer in advance for his obligation to making the place of installation ready in the time specified under this parameter.

- 5.15. Do you suggest any changes to present benchmark for the parameter –Fault Repair/ Restoration Time|| and provision for rebates? (Reference Para 2.36)**

**The existing benchmarks are OK and should be continued.** However, Faults due to natural calamities or other reasons which are beyond the control of service providers like fibre /cable cut etc. which are beyond the control of service providers should be excluded both for wire line and Broadband services.



**5.16. Do you propose any change in the existing system of selection of tariff plans for the audit of metering and billing system of service providers to make whole exercise more effective? (Reference Para 2.40)**

- a. It is requested that the service providers may also be consulted whenever TRAI decides the check list for audit.
- b. To review the frequency of billing audit which should be reduced to once in two years. The service providers who are having integrated and centralized billing system should be allowed to submit one report per company and not circle wise.
- c. TRAI may consider to mandate auditing of only two tariff plans per circle and per service (prepaid / postpaid) as was being done earlier.
- d. To audit only the filed tariff plans with the TRAI and Corporate tariff plans should be exempted from the scope of audit.

**5.17. What method of alert do you prefer for premium service calls (Call rates higher than normal local call charges rates) before such calls are put through? (Reference Para 2.42)**

Announcement and alerts through advertisement and informative SMS by USSD are being sent by TSPs as information to customer about call charges.

**5.18. What information in your view should be provided to prepaid subscribers immediately on completion of every call to facilitate him understand his usages and verify correctness of the deductions? (Reference Para 2.44)**

Post usage notification is given via USSD by SMS / message regarding usage and balance. Details are also available through TSP's customer care centre.

**5.19. What information do you feel is necessary after recharging a prepaid connection to ensure complete value for money immediately after recharging/top up? (Reference Para 2.46)**

Information about the total amount recharged, talk time value amount taxes deducted, processing fees, administration charges and additional benefits specific to the recharge / top up if any, should be informed by the service provider.

**5.20. In your opinion, what should be done to increase the awareness about the call centre? (Reference Para 3.46)**



TSPs make all efforts to furnish the contact details of call centre to customers via different media and create awareness about the same via SMS blasts and started packs / hoardings / ads / bills and invoices. Promotional material is also available at TSP's website and call centre.

Since this is a common aspect for all customers, the TRAI should bring out advertisements for all operator customer care centers in each circle in the local language periodically. This approach is being followed by some other Regulators such as Insurance regulator, etc. Suitable funding from the TRAI (using the CUTCEF Fund), USOF, other government consumer ministries/departments should also be utilized for this purpose.

**5.21. How can we enhance accessibility of call centres for booking the complaints? (Reference Para 3.53)**

- Monitoring congestion level
- Quality benchmarks to be achieved by call centre regarding accessibility
- Separate toll free No. 198

**5.22. What are your suggestions about the location of the menu option for talking to a customer care agent/executive in the Interactive Voice Response (IVR) system of the Call Centre/ customer care number, for facilitating easy access to the call centre agent/executive? Should it be the first sub-menu at the third layer, the first layer being the choice of language and the second layer being service menu? (Reference Para 3.53)**

- a. Queries can be resolved within the IVR itself. For further details required by the customer this can be made available at the third layer.
- b. In case of complaints and service disruption problems, the option to speak to agent should be made available at first layer itself.

**5.23. Should TRAI mandate all service providers to provide complaint booking number accessible from other telecom networks also for complaint booking in case of service disruption? Should such call centre numbers also be toll free? (Reference Para 3.53)**

Yes, all service providers should provide a complaint booking number accessible from other telecom networks. However, **making it toll free is not an added advantage.**

**5.24. Do you agree that docket numbers should also be sent to subscribers' through SMS who is booking complaint? (Reference Para 3.56)**

Yes, the docket numbers should also be sent to mobile subscribers through SMS.



**5.25. Will sending of docket number of complaints to subscribers through SMS help them to pursue their complaints and increase effectiveness of consumer grievance redressal system? (Reference Para 3.56)**

Yes, sending docket number through SMS will be more effective and customer would also be able to view the SLA timelines and follow up in accordance with the SLA given. This will also help communicating the updates to the Customer due to unforeseen delays, if any.

**5.26. Do you feel that unique format for docket numbers across the service providers will increase monitoring and speedy redressal of subscriber complaints? (Reference Para 3.56)**

AUSPI feels that there will be no advantage to complaint redressal per se with unique format for docket number.

However, the introduction of a standardized numbering format across the industry as proposed is agreeable. This number which indicates the service provider, service area, type of service and the date of complaint booking etc, will also ensure uniformity.

**5.27. Do you agree that customers need to be informed about redressal of their complaints before closure of the docket? If so, will it be desirable to inform the subscriber about status of the complaints through SMS before closure of the docket number? (Reference Para 3.61)**

Yes, the mobile customers should be informed about redressal through SMS before closure of any docket number.

**5.28. What parameters should be considered to determine the effectiveness of complaint redressal at call centre level? How could effectiveness of complaint redressal at call centre level be measured? (Reference Para 3.66)**

Please refer to the response in 5.21.

**5.29. In your views, will it be feasible to indicate tentative time frame for redressal of consumer grievance? Will it increase subscriber satisfaction level? (Reference Para 3.69)**

Time frame of redressal of complaint should be informed to all subscribers at the time of complaint itself and would definitely increase subscriber satisfaction level.

**5.30. What are your suggestions for using complaints received at call centre for improvement in QoS and processes adopted by a service provider?**



**Do you perceive any need for TRAI to oversee such analysis and monitor corrective actions? (Reference Para 3.74)**

Member TSPs take care of the QoS aspects as a regular practice. They undertake root cause analysis and ensure corrective action. Operators ensure that the internal feedback mechanism help in the regular improvement of the process being done. AUSPI feels that there is no need for TRAI to oversee such analysis and monitor corrective actions.

**5.31. In your opinion, what should be done to create awareness about the Nodal Officer? (Reference Para 3.77)**

- a. Service providers already advertise the contact details of the nodal officers. Nodal officer should be approached only when complaint is not resolved in 3 days. It is generally observed that the customers are approaching both the call centre and the nodal officers simultaneously.
- b. The Nodal Desk information should be available on Website, Postpaid Bills, Post\Pre GSK, Contact Center on request and company outlets.
- c. Beyond the existing above mentioned measures for advertising Nodal Officer contact details, it is suggested that quarterly SMS campaigns can be initiated to increase awareness.

Other points that can be considered are as follows:

- On every closure of a complaint registered at a call center, where a written confirmation is sent to the complainant, intimating the resolution of a complaint, an informative liner of nodal officer details can be given, if the customer feels that the complaint has not been resolved to his satisfaction.
- On every closure of a complaint registered at a nodal desk, where a written confirmation is sent to the complainant, intimating the resolution of a complaint, an informative liner of appellate authority details can be given, if the customer feels that the complaint has not been resolved to his satisfaction.
- The list of nodal officers and appellate authority of all service providers can be put on TRAI's website as a repository for easy access. This will also help, in MNP environment, where the subscribers can visit the website for ready reference.



**5.32. What should be the maximum permissible time in which nodal officer must acknowledge the receipt of the grievance and indicate a unique number for future reference? (Reference Para 3.80)**

Taking into consideration the grievance in writing or SMS TRAI should give 4 days' deadline to the nodal officer to act on the complaint.

**5.33. Do you suggest that the nodal officer give an indicative time for redressal of grievance while communicating receipt of grievance? Will it boost the confidence of the subscriber? (Reference Para 3.80)**

Yes, the nodal officer must give a tentative time frame for redressal of customer grievance. Generally service providers are already providing time frame for resolution at their Nodal Desks. It will boost the confidence of the customer.

**5.34. Will it be feasible to communicate the tentative time for redressal of the grievances and ensure redressal within prescribed timeframe? (Reference Para 3.80)**

Yes it is feasible to provide tentative timelines for redressal of grievances except in the exceptional case where nodal officer can keep the customer updated on the progress of grievance.

**5.35. What framework do you propose for timely disposal of consumer grievances and feedback on status of grievance redressal before disposal? (Reference Para 3.82)**

The current framework of three tier resolution of complaint is sufficient for redressal of consumer complaints. It is proposed that regular tracking of resolution SLAs should be done at the service provider's end for timely disposal of consumer grievances.

**5.36. In your opinion, what should be done to improve the accessibility of nodal officers? (Reference Para 3.87)**

- a) Different modes of communications are used to furnish contact details of the nodal officer to improve accessibility.
- b) **The customers should be allowed to log a complaint with Nodal officer only if the customer gives the call centre complaint number.** This will ensure that only escalations come to Nodal officers. This will improve the accessibility of Nodal officer.



**5.37. How would effectiveness of Nodal Officer be monitored? (Reference Para 3.87)**

The effectiveness can be monitored by tracking the target against achievement of SLA. Root cause analysis is done to prevent repeat complaints through third party health check call on quality of closure.

**5.38. What should be the parameters and framework to judge the effectiveness of the nodal officers? (Reference Para 3.87)**

The effectiveness can be measured in terms of meeting of SLA by the nodal officer and percentage of complaints reaching to appellate authority.

**5.39. In your opinion, what should be the time frame for redressal of grievances by the Nodal Officer? (Reference Para 3.89)**

The existing time framework for resolution of complaint is 10 days. This working fine and should be continued.

**5.40. What should be done to ensure redressal of consumer grievances within prescribed timeframe?(Reference Para 3.89)**

There is no substitute for effective implementation of grievance redressal framework. The close tracking of SLAs will play a major role in ensuring the redressal of consumer grievances.

**5.41. What framework do you perceive for regular analysis of consumer grievances at Nodal officer level to identify systemic failures and to initiate necessary actions? Do you perceive the need to mandate such provisions?(Reference Para 3.91)**

As a regular practice, a structured Root cause analysis should be done in the areas of process and systemic fix.

**5.42. What are your views regarding charging of nodal officer Number especially in view of the fact that nodal officer is part of consumer grievance redressal mechanism? Elaborate your response. (Reference Para 3.94)**

Nodal Officer is an escalation desk meant for exception management and making it toll free will no longer be an added advantage. To provide toll free would mean setting up a parallel customer call centre and defeat the only purpose of being higher level of grievance.



**5.43. What should be done to enhance awareness about Appellate Authority to ensure effective redressal of consumer grievances? (Reference Para 3.97)**

**&**

**5.44. What framework to you suggest for filing of the appeal to Appellate Authority for redressal of consumer grievances by subscribers? How can it be made easy and user friendly? (Reference Para 3.99)**

- a. Service providers widely advertise the contact details of their Appellant Authorities. The information on Appellant Authority is also available on Website, Postpaid Bills, Post/Pre GSK, Contact Center on request and TSP's Outlets.
- b. Beyond the existing above mentioned measures for advertising Appellate Authority contact details, quarterly SMS campaigns can be initiated to increase awareness.

**5.45. In your view, what should be the time frame for acknowledgement of the appeal by Appellate Authority? (Reference Para 3.103)**

The appeal before the Appellate Authority needs to be acknowledged within 3 to 15 working days depending on the mode of communication.

**5.46. Would it be feasible and desirable to convey the tentative time for disposal of the appeal by Appellate Authority to improve subscriber confidence? (Reference Para 3.103)**

Yes, the Appellate Authority should convey the tentative time frame for redressal for consumer grievance.

**5.47. How feedback at the time of disposal of appeal can be made more transparent, self speaking and impartial? Is there a need to institutionalize feedback mechanism at appellate authority level of service provider to improve effectiveness of the processes? (Reference Para 3.105)**

**&**

**5.48. What should be the framework to improve the effectiveness and acceptability of the Appellate authority as an independent and impartial body? Provide details of the proposed framework. (Reference Para 3.107)**

With more than 10 operators in each service area and the tariffs no longer differentiating factor, the only differentiating factor will be the QoS and customer services. The service providers should be free to have any feedback mechanism to meet the end.



**5.49. In your opinion, what should be the maximum time period for deciding an appeal by the Appellate Authority? (Reference Para 3.109)**

It is suggested that the existing time framework of three months may be maintained for deciding an appeal by the Appellate Authority depending on the type of complaint.

**5.50. What should be the time limit within which the information about itemized usage charges should be provided on request from a pre-paid customer? (Reference Para 3.112)**

The itemized bill details should be provided within 15 days.

**5.51. Can you suggest further measures to effectively control provision of value added services without explicit consent of the subscriber? Kindly provide details of proposed framework. (Reference Para 4.7)**

- a. A policy protecting the rights of consumer against unsolicited VAS must be available. The existing guidelines for taking double confirmation if service is offered through OBD etc is sufficient to protect consumer interest. These guidelines should be strictly followed by all operators.
- b. Transparent customer communication strategy for new product launches to be incorporated.

**5.52. In your opinion, what more should be done to increase effectiveness of consumer education? (Reference Para 4.9)**

While, the possibility of open houses can be explored, we wish to propose that the present system is rigorous and is working fine. Para 6 of the Telecommunication Consumers Education and Protection Fund Regulation , 2007 provides for the utilization of the Telecommunication Consumers Education and Protection Fund may be explored further in the conduct of such initiatives. Necessary information to be made available to the customers through multiple channels like website, CC SMS campaigns and OBD etc.

**5.53. How effectiveness of web based Consumer grievance redressal mechanism can be increased? (Reference Para 4.12)**

The complaints received through web based consumer grievance redressal should be addressed in a time bound manner. The quality of resolution for redressal can boost the subscriber confidence and effectiveness of web based redressal mechanism.



In addition please consider the following points:-

1. In the context of the intense competition, customer care is adequate. We need to reduce the overall regulations for monitoring and reporting returns that add to costs for providing this service. A study be done by TRAI with the market data/ statistics for the provision of Customer Care to have a clear co relation of current standards of customer care service with relation to the cost per customer and the ARPU.
2. Any aspects of MNP that should be build into this regulation itself in view that MNP is due to be implemented.
3. Regulations should provide incentives for both customers and operators for the enhanced usage of e-bills. This is essential to promote and incentivize efforts made to for “Green” efforts.

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