



3rd September, 2012

Telecom Regulatory Authority of India,
Mahanagar Door Sanchar Bhawan,
Jawahar Lal Nehru Marg,
Old Minto Road,
New Delhi – 110002

**Kind Attn: Mr. Rajeev Agrawal,
Secretary**

Sub: Telecommunication Mobile Number Portability (Fourth Amendment) Regulations, 2012

Dear Sir,

This is with reference to the above mentioned draft amendment to the Telecommunication Mobile Number Portability Regulations, 2012. At the outset, we welcome the Authority's initiative to penalize the defaulting operators for incorrect rejections of porting requests by levying financial disincentives on such operators through this draft amendment. However, we firmly believe that it is always better to have self discipline rather than stringent Regulations for every process.

Further, we would also like to submit implementation challenges in the said draft Regulations:

- ***“In the cases where contravention is established in rejection of porting request for an Access Provider acting as Donor Operator, a financial disincentive of an amount of Rs.10,000/- will be levied for each rejection”***

It is very difficult to establish contravention by the Donor Operator unless reported by the affected subscriber. Further, this will lead to a lot of reconciliation and paper work.

- ***“In the cases where contravention of regulation is established in the timelines specified in regulation 8(6), 10, 11(4) or 11(6), a financial disincentive of Rs.5,000/- will be levied for each contravention.”***

Regulation 8(6) : As per the current implementation of the Regulation, there is no provision of putting a Time stamp for the request of Porting made by the subscriber. Therefore, there is no way to establish contravention of the 24hour window for forwarding the Porting request by the Recipient Operator.

Regulation 11(4) & 11(6): we need to exclude conditions resulting due to IT & Network Planned downtimes as these elements would require down times as a part of regular maintenance activities to ensure proper functioning of the elements. Although, necessary planning is done to avoid interruptions for MNP, certain unavoidable IT/Business requirements may lead to a few cases of non-compliance.



Please note that these proposed amendments would also lead to inter-operator disputes in interpreting the contraventions and would need arbitration frequently.

In view of our above submissions, we request TRAI to keep the proposed Telecommunication Mobile Number Portability (Fourth Amendment) Regulations, 2012 in abeyance.

Thanking you,

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Anand Dalal', written over a blue circular stamp.

Anand Dalal
Senior Vice President – Corporate Regulatory Affairs
Tata Teleservices Limited

And

Authorized Signatory
Tata Teleservices (Maharashtra) Limited