



Cellular Operators Association of India

RSM/COAI/189
September 3, 2012

The Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Old Minto Road,
New Delhi 110002

Subject: COAI response to the TRAI Draft Telecommunication Mobile Number Portability (MNP) (Fourth Amendment) Regulations, 2012

Dear Sirs/Madam,

This is with reference to the TRAI's Draft Telecommunication Mobile Number Portability (MNP) (Fourth Amendment) Regulations, 2012.

Our detailed response to the same is enclosed for your kind perusal.

We request TRAI to kindly hold a consultation process/meeting with the stakeholder's before finalizing/notifying the said Regulation.

We request TRAI to kindly finalize/notify the Regulation only after granting us an opportunity of a discussion with the Authority.

We hope that our submissions will merit your kind consideration and support.

Kind regards,

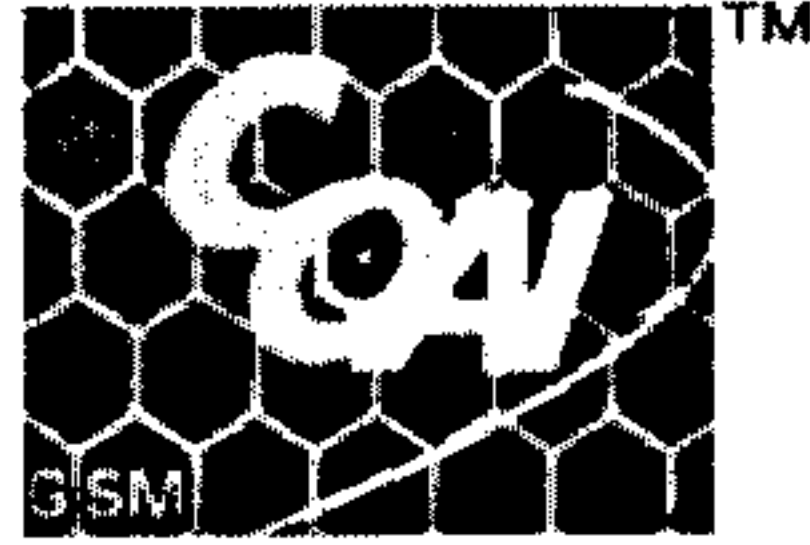
Sincerely yours,

A handwritten signature in black ink, reading 'Rajan S. Mathews', is positioned above the typed name.

R. S Mathews
Director General

Encl: as above

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**COAI response to the Draft Telecommunication Mobile Number Portability (MNP)
(Fourth Amendment) Regulations, 2012**

Preamble:

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.

Since the time MNP was launched, there has been a learning curve for the industry and the industry has always endeavored to achieve the desired level of customer satisfaction.

With a view to improve the systems further, it is suggested that TRAI should follow an approach similar to QoS, wherein the thresholds are defined and performance of operators is measured against the same. Once the QoS benchmarks are in place, TRAI should analyze quarterly trends and if any operator fails to repeatedly meet the specified benchmark and TRAI is not satisfied with the reasons explained by the service provider then a suitable action may be considered.

- 1) TRAI Regulation:** *“(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.”

COAI Response:

- a) TRAI vide its above regulation has proposed to put the financial disincentive on the operators for not adhering to the timelines on following four counts prescribed in the MNP Regulations 2009:
- i) **Regulation 8 sub Regulation 6:** Recipient Operator (RO) shall, within **24 hrs**, forward the mobile number, the corresponding UPC and the date on which porting request is made by the subscriber, to the concerned Mobile Number Portability Operator(MNPO).
 - ii) **Regulation 10:** Upon receipt of the details of porting request from MNPO the Donor Operator (DO) shall, within **4 working days** verify such details and communicate to the MNPO its clearance of porting request or rejection of request with the ground of rejections.

- iii) **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.
- iv) **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.

b) **Regulation 8 sub Regulation 6: RO sending porting request within 24 hours**

- i) With regards to the sending of the porting request to the MNPO by the RO within 24hrs from the request made by the subscriber, we would like to submit that there could not be any mala fide intention of the RO in delaying such request as the subscriber is porting to its network, infact RO would be interested in forwarding the request to the MNPO's without any delay in minimum possible time.
- ii) However, there may be some incidences wherein due to some logistical issues e.g. delay in receiving the request from the retail outlets, there might be some delay. In this regard, we would like to submit that it is not possible/ practical to comply 100% with the said timelines.
- iii) Further, we would like to submit that there is no auditable record of the time stamp from when the subscriber makes the request to the RO. Also there is no record being kept by MNPO in regards to the walk-in date/time of the customer approaching a retail outlet. Operators are themselves providing this data to TRAI in this regard.
- iv) In light of the above, we would like to submit that since this parameter is un-auditable, hence the penalty for the non-compliance of the same on the operators is not justified.
- v) If, however, the Authority still chooses to take action in this regard, we would like to respectfully request the Authority to follow the approach as highlighted in the preamble i.e. a threshold is defined and operator's performance are monitored quarterly against the same .
- vi) We propose the following threshold on the same:

RO to send customer details to MNPO within 24 Hours: 98% of the cases

c) **Regulation 10: DO sending Porting clearance/ rejection within 4 days**

- i) As per the MNP Regulation in case there is no clearance of the porting of the mobile number from the DO to the MNPO in 4 days' time it is **assumed as a positive clearance** and the time of the activation and deactivation of the number is separately send to RO and DO by the MNPO.
- ii) **In this regard, we would like to submit that since there is no effect on the timelines of the MNP processes even in case the DO takes more than four days**

to give clearance, we are of the view that the penalty in such case is not required.

d) **Regulation 11 Sub Regulation 4 & 6: Timelines for the porting window:** With regards to the porting window, we would like make following submission:

- i) 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.
- ii) **The MNPO's 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.**
- iii) **In light of the above no penalties should be levied on the operators as the compliance to the said timelines are dependent on the third party i.e. MNPO's. The schedule of pushing of the activation and deactivation requests from MNPO's cannot be controlled by the operators.**
- iv) Another reason is the complexity of MNP systems and its dependency on various internal network & IT systems such as HLR, IN, etc. Owing to the continuous updation in technical systems to improve performance or due to network latency issues, etc, occasionally downtime of such systems is taken which results in delay in activation in that time period.
- v) Further, based on the practical experience we would like to suggest, 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).

2) **TRAI Regulation:** *"(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."

COAI Response:

With regards to the rejection codes, in order to meet the desired objective to stop/reduce the wrongful rejection of the porting request we would like to suggest 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 the compliance to the rejection code:

S.No	Suggested thresholds	
1)	Wrongful rejection of porting request : < 0.5 % of the porting requests.	Should be considered as adequate
2)	Wrongful rejection of porting request : >0.5 % of the porting requests.	Should be considered as inadequate; if observed for two successive quarters TRAI may seek explanation

- iv) Justification should be sought from operators who are not meeting the Thresholds.
- v) 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.**
- e) **In light of the same, we request the Authority to review this sub-regulation and put in place practical /achievable benchmarks.** We believe that with more practical benchmarks or thresholds in place, the chances of reducing/stopping the wrongful rejections will increase.
