

**CONSULTATION PAPER ON AMENDMENT TO THE STANDARDS OF QUALITY OF SERVICE FOR
WIRELESS DATA SERVICES REGULATIONS, 2012**

With the roll-out of 3G and broadband wireless access services, the growth rate in mobile broadband is higher than wire-line internet users. Service providers have been advertising consistent hi-speed wireless data services and delivering vastly lower speeds. This has led to customer dissatisfaction regarding the poor speed experienced by them. In this context it is necessary that TRAI step in and mandate minimum data transfer speeds which must be adhered by the service providers. In order to allow customers to benefit from such a mandate, service providers must be directed to inform the minimum speed to be expected along with each tariff plan. This will allow customers to make an informed decision as to which tariff plan offered by which service provider they seek to use.

ISSUES FOR CONSULTATION

Question 1: What are your views on prescribing benchmarks for minimum download speed as above? Please give your comments with justification.

Yes. We believe that mandating minimum download speeds for wireless data services is a step in the right direction. This will allow users to have clarity and assurance on the minimum download speed they would get from their telecom operator, be it 2G or 3G services. In the present scenario, consumers are being wooed by telecom companies with misleading advertisements of high speed wireless data services and product packs. There is no commitment of minimum download speed made by the service provider while offering a tariff plan. There is also no uniformity in the quality of service provided. While a consumer might get a higher wireless data speed in a location, that might not be the case in another location, even within the same circle. This inconsistency in the quality of service provided makes wireless data services very unreliable.

Furthermore, we believe that TRAI must set minimum standards for not only download speed but also for data transfer in general. More often than not, the tariff plans offered by TSPs are based on the volume of data usage for various technologies. There is no clarity about the speed being offered. Service providers should abide by certain minimum standards for data transfer as mandated by TRAI.

We believe that prescribing minimum download speed is in keeping with the international trend. Countries such as Thailand have already brought about regulations mandating a minimum download speed. The regulations require mobile operators to provide a successful connection rate of at least 85% in all service areas and provide download speeds for 3G services on the 2100MHz band to be at least 345kbps and upload speeds at least 153kbps. The National Broadcasting and Telecommunications Commission (NBTC) is the implementation agency for enforcing these regulations which grant NBTC the authority to penalise erring service providers.

We strongly suggest that a regulation similar in nature to Thailand should be implemented in India, although the exact speed and standards which should be mandated is for TRAI to decide based on domestic usage and requirements. Moreover an implementation and enforcement mechanism must necessarily be put in place by TRAI to ensure that service providers adhere to the standards set by the regulator. An agency must be entrusted with the enforcement of the mandatory minimum standards as well as well as recommendation of penalties on non-compliance.

Question 2: Should the service provider be mandated to inform the minimum download speed to customers along with each tariff plan?

Yes. Customer welfare can only be ensured if the service provider is mandated to inform the minimum download speed to customers along with each tariff plan. Mandating a minimum download speed will be beneficial to consumers only if they are aware of the minimum speed which has been mandated by the regulator. The consumer must be completely informed of what is due so as to be able to monitor the quality of service being provided by the service provider. Currently, consumers are being wooed by telecom companies in advertisements regarding high speed 3G wireless data services and product packs in which they are promised speeds of up to 7.2 megabit a second. In reality, service providers actually deliver vastly different speeds ranging from as low as 399.49 kbps to 2547 .94 kbps. The telecom consumers availing these wireless data services are not even aware of the minimum download speed being offered to them by the TSPs. For consumers to be able to make a truly informed decision it is crucial that they be given all the information they need to make that decision.