

Consultation Paper on Compensation to the Consumers in the Event of Dropped Calls

Introduction

There is no doubt in anyone's mind that call drops are not a function of a single reason or event. It is a function of multiple factors at play, amongst which are:

- Inadequacy of spectrum (issue of national level Government policy)
- Inadequacy of spaces for installation of BTS tower
- Indiscriminate sealing of towers owing to this fear psychosis towards purported radiation without any tangible proof or measurements being carried out. This arises purely on the basis of knee jerk reactions of some reports.
- Issues arising not out of lack of coverage, but while a call is traversing between a less populated BTS to a congested BTS on account of heavy call traffic in a particular area. (In this regard, the regulator should also look to carry out studies to determine such areas where there is congestion in the BTS stations.)

Some of these issues can be resolved through recent policy changes such as spectrum sharing and trading guidelines.

There is no denying the fact that telecom service providers have also been cringing about investments and sizing up of the networks, at a time when demand exceeds supply.

We believe that the 28 June 2006 directive issued by DoT on simplifying procedures for SACFA site clearance ended up doing more harm than good. It resulted in a proliferation of BTS towers in an uncontrolled manner. And, the pitfalls of it are now evident when we're witnessing defective or malfunctioning towers now. The mere registration formality on SACFA website without checks and balances proved to be detrimental.

Whatever, remedial measures, be it- (i) spectrum (ii) fresh sites (iii) restoring those BTS sites which have been shut due to radiation concerns or have been declared illegal for some reason. These steps could take time, given it depends on the pace at which Government seeks to take action and the co-ordination in efforts between the Government and local municipal authorities.

The consultation paper suggests quick fix measure of compensating consumer for a call drop by crediting to his account- the cost of a minute where a per minute charging is resorted to. Where a per second billing is in place, there is no such recommendation from TRAI.

Even though, a call drop could also result in intangible losses which can also become a challenge.

We are not in agreement with the regulator that compensation should be resorted to, for call drops. We believe that it is difficult to administer whether a call dropped or was terminated. This could inevitably result in frivolous demands being placed on telecom service providers.

The solution we suggest is that everybody moves to a per second billing regime until telecom service providers declare themselves to be adequately equipped to handle this situation or look to move to a 15 second pulsing charge from the present day system of 1 minute as practiced by some of the operators.

By way of background information, TRAI recommendation on Intra circle roaming (ICR) must be permitted for new players entering into business to come to grips that they may not be able to roll-out full or adequate network coverage on Day one or even in a span of 5-6 months.

One must realize that the situation is not of new entrants per se. But, of inadequate coverage for various reasons. It is highly unlikely that there are some pockets where there are no players present. There would be some or few players present, at the very least.

The industry has implored the regulator that this ICR related recommendation be put in force, so that the customer ultimately stands to benefit at the end of the day, by getting a feel of a seamless service across the city as a short term measure.

We must note that all stakeholders must get their act together to ensure that this issue is resolved amicably.

One of the most underutilized networks is that of the state-owned BSNL.

It is quite baffling on why BSNL is not allowing anybody to operate on their network. We've made several representations in the past that they be mandated to allow others to operate on their network. Why is a pan-India national carrier which is now a loss making enterprise exploring avenues to make optimum use of its networks and add to the revenues.

The regulator would be doing a great service to the nation by mandating BSNL to allow roaming arrangements with other operators.

Issues for Consultation

Q1: Do you agree that calling consumers should not be charged for a call that got dropped within five seconds? In addition, if the call gets dropped any time after five seconds, the last pulse of the call (minute/second) which got dropped, should not be charged. Please support your viewpoint with reasons along with the methodologies for implementation.

Q2: Do you agree that calling consumer should also be compensated for call drops by the access service providers? If yes, which of the following methods would be appropriate for compensating the consumers upon call drop:

- (i) Credit of talk-time in minutes/ seconds**
- (ii) Credit of talk-time in monetary terms**
- (iii) Any other method you may like to suggest**

Please support your viewpoint with reasons along with the methodologies for implementation

Combined Response to Q1 & Q2

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Q3: If the answer to the Q2 is in the affirmative, suggest conditions/limits, if any, which should be imposed upon the provision of crediting talk-time upon call drop and usage thereof.

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Q4: Is there any other relevant issue which should be considered in the present consultation on the issue of call drops?

We must note that all stakeholders must get their act together to ensure that this issue is resolved amicably.

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