



Association of Unified Telecom Service Providers of India
B-601 Gauri Sadan, 5 Hailey Road
New Delhi – 110001.
Tel: +91-11-23358585/8989
Fax: +91-11-23327397
Email: auspi@auspi.in
Web: www.auspi.in

COAI
14 Bhai Veer Singh Marg
New Delhi – 110001.
Tel: +91-11-23349275
Fax: +91-11-23349276/77
Email: contact@coai.in
Web: www.coai.in

JAC/2016/005

January 14, 2016

Ms Vinod Kotwal
Advisor (F&EA)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi - 110002

Subject: Counter Comments on Consultation Paper on 'Differential Pricing for Data Services'

Dear Mam,

1. This has reference to the Consultation Paper issued by TRAI on 9th December, 2015 on the subject of 'Differential Pricing for Data Services'.
2. In this regard, please find enclosed Joint Industry counter comments to the said Consultation Paper for your kind perusal.

We hope that our views and submissions will merit the kind consideration and support of the Authority.

Kind regards,

Ashok Sud
Secretary General
AUSPI

Rajan S. Mathews
Director General
COAI

CC: Shri R S Sharma, Chairman, TRAI
Dr. Vijayalakshmy K Gupta, Member, TRAI
Shri Anil Kaushal, Member, TRAI
Shri Sudhir Gupta, Secretary, TRAI



Joint Industry Submission

Counter Comments - TRAI Consultation Paper On Differential Pricing for Data Services

Released on December 09, 2015

1. **We support principle based differential pricing for Data Services.** Some stakeholders have suggested that differential pricing may violate the principle of non-discrimination. We would like to highlight that as per the provisions of the TTO, 1999 and its amendments, the tariff for data services (Internet) is under forbearance. However, all TSPs have to comply with regulatory principles of inter-alia, non-discrimination and non-predation. We support a principle based robust approach {Fair, Reasonable and Non-Discriminatory (FRAND)}. Price differentiation should be based on the following principles:
 - i. FRAND
 - ii. Focus on priority of connecting the unconnected
 - iii. Transparency
 - iv. Non-exclusivity
 - v. No anti-competitive behaviour and no discrimination
 - vi. Non-predatory, non-ambiguous and not misleading
 - vii. Regular reporting

2. **Differential pricing is a widely adopted commercial practice and brings benefits both to investment and customers.** Some stakeholders have suggested that differential pricing will lead to fragmentation of the internet into multiple smaller parts and non tech-savvy and first-time users would only get access to certain restricted portions and not the broader open internet. We would like to highlight that differentiation is the essence of a market based approach and is in consumer interest as it meets customer requirements and also grows the market. The immediate priority in India is to ensure that the affordable broadband services are adopted and utilized by a vast mass of unconnected and low net usage citizens and differential pricing is a

