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TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, 2023

F. No. C-2/8/(1)/2021-QoS.----- In exercise of the powers conferred by section 36, read with sub-clauses (i) and (v) of clause (b) and clause (d) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations, namely:

**Quality of Service (Code of Practice for Metering and Billing Accuracy)
Regulations, 2023 (XX of 2023)**

- 1. Short title, extent and commencement-** (1) These regulations may be called the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2023.
 - (2) These Regulations shall be applicable to all the service providers having
 - (a) Unified Access Service License
 - (b) Unified License with authorization for Access Service
 - (c) Unified License for VNO with authorization for Access Service.
 - (3) They shall come into force from the 1st day of April, 20XX.
- 2. Definitions-** (1) In these regulations, unless the context otherwise requires,-
 - (a) 'access service' means Access Services (AS) as defined under the Unified License agreement;
 - (b) VNO means Virtual Network Operators authorized under Unified License for provision of access services.

- (c) 'Act' means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);
- (d) 'quarter' means a period of three consecutive months ending on the 30th June, the 30th September, the 31st December and the 31st March of the financial year;
- (e) 'overcharging' means failure of service provider to meet the commitment of the tariff offered either in terms of volume or price or both, as the case may be, and includes –
 - (i) a chargeable event for which the charge to the subscriber exceeds the rates specified in the tariff plan opted by the subscriber; and
 - (ii) any other amount charged, which is not part of the tariff plan opted by the subscriber;
- (f) 'year' means the financial year.

(2) Words and expressions used and not defined in these regulations, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Code of Practice for metering and billing accuracy– Every service provider shall comply with the code of practice for metering and billing accuracy as laid down in the Schedule to these regulations.

4. Appointment of auditor for audit of metering and billing systems– (1) The Authority may, from time to time, notify the panel of auditors, who meet the eligibility conditions specified by the Authority in this regard, to audit the accuracy of metering and billing systems of the service providers, in accordance with regulation 5.

(2) Every service provider shall, by the thirtieth day of April every year, appoint an auditor from the panel of auditors notified by the Authority under sub-regulation (1), to audit at its cost, accuracy of its metering and billing systems in accordance with regulation 5:

Provided that the Authority may, on receipt of request from the service provider, extend the time for appointment of the auditor and the service provider shall appoint the auditor within such extended time:

Provided further that the service provider may appoint an auditor for one or more services:

Provided also that the service provider shall not appoint an auditor –

- (a) consecutively for more than two years;
- (b) who is its internal auditor; and
- (c) with whom it has had a business relationship during the last one year.

Explanation: For the purpose of appointment of auditor, audit of the accuracy of metering and billing systems under these regulations shall not be treated as a business relationship.

Provided also that the Authority may, for reasons to be recorded in writing, appoint any person, who meets the eligibility criteria specified by the Authority, to audit the accuracy of the metering and billing systems of a service provider and in that case, the service provider shall not appoint an auditor under this regulation.

5. Audit of metering and billing systems and Licensed Service Areas–

(1) Every service provider shall get the accuracy of its centralized or distributed metering and billing systems and Licensed Service Areas audited for access service, by an auditor, appointed in accordance with regulation 4, in such a manner that –

- (a) the audit of the accuracy of metering and billing system, either centralized or distributed at different locations, is done before taking up the audit of any Licensed Service Area being served by that metering and billing system, as prescribed by the Authority;
- (b) all of its metering and billing systems, whether centralized or distributed, are audited at least once in a financial year latest by 31st July;

- (c) all of its Licensed Service Areas are audited for accuracy of metering and billing at least once in a financial year;
- (d) for the purposes of audit, Licensed Service Areas are uniformly distributed throughout the four quarters of a financial year.

(2) Every service provider shall submit to the Authority, every year, by the fifteenth day of May, its annual schedule of audit, containing the details of Licensed Service Areas to be audited as per sub-regulation (1):

Provided that the Authority may modify the schedule submitted by the service provider and the service provider shall adhere to such modified schedule of audit.

(3) Every service provider shall, before the audit, conduct a self- evaluation of its metering and billing systems and Licensed Service Areas to be audited for the concerned quarter. A certificate in this regard needs to be submitted by the service provider to the auditor in conformity of the same.

(4) Every service provider shall provide to the auditor, the raw call data records as may be required by the auditor for conduct of audit, within fifteen days of receipt of request for such records from the auditor.

(5) Every service provider shall provide to the auditor, all necessary documents/information required for audit, other than raw call data records, within seven days of receipt of request for such documents/information from the auditor.

(6) Every service provider shall provide to the auditor, its comments on an audit observation, within fifteen days of receipt of such observation, for inclusion of such comments in the audit report.

(7) Every service provider shall adhere to such guidelines and checklist for the audit, as may be issued by the Authority in this regard from time to time.

(8) In addition to the audit under sub-regulation (1), the Authority may audit accuracy of metering and billing system of any service provider, either on its own

or through any auditor, which may or may not be on the panel notified under regulation 4.

6. Action by service provider on the instances of overcharging noticed by it and reporting thereof-

(1) If the service provider notices an instance of overcharging during the self-evaluation under sub-regulation (3) of regulation 5, it shall take immediate action to rectify the error in its metering and billing system, identify the subscribers affected by such overcharging in every Licensed Service Area served by the metering and billing system and calculate the total amount overcharged from each of such subscribers.

(2) The service provider shall refund the overcharged amount, calculated under sub-regulation (1), to the subscribers, within three months of the end of the quarter for which the self-evaluation was undertaken by the service provider:

Provided that in case of any overcharge amount remains pending to refund after three months, the service provider shall continue to make effort to refund such amount to the subscribers, subject to the provisions of regulation 10:

Provided further that in case the service provider fails to refund any overcharged amount to the subscriber within twelve months of the end of the quarter for which the self-evaluation was undertaken, it shall transfer such amount to the credit of the Telecommunication Consumers Education and Protection Fund, as per the provisions of the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007).

(3) Every service provider shall submit to the Authority and to the auditor, the details of overcharged amounts, in such format and at such intervals, as the Authority may specify from time to time.

7. Action by service provider on the instances of overcharging observed by the auditor and reporting thereof-

(1) If the auditor observes an instance of overcharging during the audit under sub-regulation (1) of regulation 5, it shall be brought to the notice of the service provider, in writing, immediately but not later than one week of such observation.

(2) On receipt of audit observation under sub-regulation (1), the service provider shall conduct an analysis to verify whether such observation is correct.

(3) If, on analysis under sub-regulation (2), the service provider finds the audit observation to be correct, it shall –

- (a) take immediate action to rectify the errors in its metering and billing system, identify the subscribers affected by such overcharging in every Licensed Service Area served by the metering and billing system and calculate the total amount overcharged from each of such subscribers in the manner specified under sub-regulation (2) of regulation 6, within fifteen days of the receipt of audit observation under sub-regulation (1);
- (b) refund the overcharged amount calculated under clause (a) to the subscribers, within three months of the receipt of the audit observation under sub-regulation (1):

Provided that in case of any overcharge amount remains pending to refund after three months, the service provider shall continue to make effort to refund such amount to the subscribers, subject to the provisions of regulation 10:

Provided further that in case the service provider fails to refund any overcharged amount to the subscriber within twelve months from the date of receipt of the audit observation under sub-regulation (1), it shall transfer the amount to the credit of the Telecommunication Consumers Education and Protection Fund, as per the provisions of the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007).

- (c) submit to the auditor, within fifteen days of the receipt of audit observation under sub-regulation (1), its comments on such observation and the action taken or proposed to be taken by the service provider thereon, which shall be recorded in the audit report along with the final recommendations of the auditor.

(4) If, on analysis under sub-regulation (2), the service provider finds the audit observation to be incorrect, it shall submit to the auditor, within fifteen days of the

receipt of the audit observation under sub-regulation (1), its comments on such observation with justifications and supporting documentary evidence, which shall be recorded in the audit report along with the final recommendations of the auditor.

8. Submission of audit report and action taken report- (1) Every service provider shall submit to the Authority, within three months from the end of the respective quarter, the audit report, duly certified by the auditor, of access services provided on wireline and wireless media, separately, for each metering and billing system and each Licensed Service Area audited, in such format as the Authority may direct, from time to time.

(2) Every service provider shall submit to the Authority, within two months of the date of submission of the audit report to the Authority, the action taken report thereon, in respect of each metering and billing system and each Licensed Service Area audited, along with the status of audit observations pending to be resolved from previous quarters, if any, in such format as the Authority may direct, from time to time.

9. Consequences for failure of the service provider to submit audit report or action taken report- (1) If any service provider contravenes the provisions of regulation 8, it shall, without prejudice to the terms and conditions of its license, 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 rupees one lakh per report for every week or part thereof during which the default continues, subject to a maximum of rupees fifty lakhs per metering and billing system, or as the case may be, per Licensed Service Area, 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.

(2) The Authority reserves the right not to impose financial disincentive or to impose a lower amount of financial disincentive than the amount payable as per

the provisions in sub-regulation (1) where it finds merit in the reasons furnished by the service provider.

(3) The amount payable by way of financial disincentive under this regulation shall be remitted to such head of account as may be specified by the Authority.

10. Consequences for failure of the service provider to detect instances of overcharging and to refund the overcharged amounts to subscribers-

(1) If any service provider fails to detect any instance of overcharging on its own during the self-evaluation under sub-regulation (3) of regulation 5, it shall, upon detection of such instance of overcharging during the audit under sub-regulation (1) of regulation 5, without prejudice to the terms and conditions of its license, 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 ten per cent of the total amount overcharged from all subscribers affected by such instance of overcharging, as the Authority may, by order, direct.

(2) If any service provider fails to refund any overcharged amount within three months of the end of the quarter for which the self-evaluation was undertaken under regulation 6, or, within three months of the receipt of the report of the auditor on the instance of overcharging under regulation 7, as the case may be, it shall, without prejudice to the terms and conditions of its license, 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, to be calculated in the following manner-

S. No.	Overcharged Amount	Amount of Financial Disincentive
(a)	Amount not refunded within three months	Not exceeding one hundred percent (100%) of such amount, as the Authority may, by order, direct
(b)	Amount refunded between three to twelve months	Fifty percent (50%) of amount refunded during this period shall be deducted from the applicable financial disincentive in (a), while accounting final financial disincentive

(3) No order for payment of any amount by way of financial disincentive under this regulation 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.

(4) No financial disincentive shall be levied under this regulation for failure to refund the excess charges if financial disincentive for such overcharging has been levied for violation of the provisions of the Telecommunication Tariff Order, 1999.

(5) The Authority reserves the right not to impose financial disincentive or to impose a lower amount of financial disincentive than the amount payable as per the provisions in sub-regulation (1) and (2) where it finds merit in the reasons furnished by the service provider.

(6) The amount payable by way of financial disincentive under this regulation shall be remitted to such head of account as may be specified by the Authority.

11. Consequences for submission of incomplete or false action taken report- (1) If any service provider submits an incomplete action taken report under sub-regulation (2) of regulation 8, or submits such details therein which it knows or believes to be false or does not believe to be true, it shall, without prejudice to the terms and conditions of its license, 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 rupees ten lakhs per action taken report, 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.

(2) The Authority reserves the right not to impose financial disincentive or to impose a lower amount of financial disincentive than the amount payable as per the provisions in sub-regulation (1) where it finds merit in the reasons furnished by the service provider.

(3) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.

12. Exclusions

Compliance with the requirements contained in these regulations shall need to be demonstrated only in relation to tariff offering having material impact on the subscriber's bill as prescribed by the Authority from time to time.

13. Retention of records- Every service provider shall preserve the records pertaining to a financial year, required for compliance of these regulations, for two years after completion of the financial year, subject to the period prescribed in respective license.

14. Interpretation- In case of any doubt regarding interpretation of any of the provisions of these regulations, the decision of the Authority shall be final and binding.

15. Repeal and saving- (1) The Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation 2006 (5 of 2006) is hereby repealed.

(2) Notwithstanding such repeal, provisions of the said regulations shall continue to be applicable for the audit of the metering and billing systems for the year 2022-23.

(3) Notwithstanding such repeal, anything done or any action taken, or purported to have been done or taken, under the said regulations shall be deemed to have been done or taken under the corresponding provisions of these regulations.

Secretary

Note: The explanatory memorandum explains the objects and reasons of the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2023.

Code of Practice for Metering and Billing Accuracy

1. Information relating to tariffs

1.1 Before a subscriber is enrolled for any telecommunication service, he shall be provided the detailed information relating to the tariff applicable for that service.

1.2 The subscriber shall be informed, in accordance with the regulations, directions and tariff orders/ orders issued by the Authority, as issued from time to time, about -

- (i) the tariff plan subscribed by him;
- (ii) quantity related charges such as the charge for voice calls, SMS message, or data in Kilobyte or Megabyte as the case may be etc.;
- (iii) accuracy of measurement of time, duration and of quantity, and also the resolution and rounding rules, including the underlying units, used when calculating the charges for an individual event or an aggregation of event; and
- (iv) contractual terms and conditions for provision, restriction, and termination of service, etc.;

1.3 Where a value-added service (e.g. download of content, such as a film clip or ring tone) or entry to an interactive service (such as a game) can be selected through a choice of the service user (e.g., by dialing a specific number) then the charge for the service must be provided to him before he commits to use the service.

1.4 The information about all the tariff offerings viz. tariff plans, Plan Vouchers, Top Up Vouchers, Special Tariff Vouchers and Combo Vouchers on offer shall be available on the website, the mobile application (App) of the service provider, and the tariff portal of TRAI etc., in accordance with the regulations, directions and orders issued by the Authority, from time to time.

2. Provision of service

The services provided to the subscriber and all subsequent changes therein shall be those agreed with him prior to providing the service or changing its provisions.

3. Accuracy of measurement

3.1 All charges for telecommunication services levied on the subscriber shall be consistent with the tariff applicable to the subscriber and in accordance with the details of tariff offerings filed by the service providers with the Authority from time to time.

3.2 Unless otherwise specified in the published Tariff or previously agreed Tariff, a charge shall be determined in accordance with the following limits:

- (a) Where the charge is dependent upon duration, the recorded duration shall be measured to within:
 - (i) Between +1 seconds and -1 second; or
 - (ii) Between +0.01% (1:10,000) to -0.02% (1:5,000), whichever is less stringent; and
- (b) where the charge is dependent upon the time of day, the time of day shall be recorded to within ± 1 second, traceable to an appropriate time reference; and
- (c) where the charges are dependent upon the counting of occurrences of a particular type, the count shall be accurate to no more than plus 1/25,000 (0.004%) or minus 1/1,000 (0.1%); and
- (d) where the charge is dependent upon the volume of the data consumed, data volume should be measured within:
 - (i) Between +100 kB to -100 kB; or
 - (ii) Between +0.01% (1:10,000) to -0.01% (1:10,000), whichever is less stringent.

3.3 Where measurement under clauses 3.2 (a), (b), (c) & (d) reveals systematic errors in timing or counting that result in overcharged events which are not stated in published tariffs then correction should take place to ensure accurate bills.

4. Reliability of billing

4.1 The performance of a total Metering and Billing system shall be, subject to the tolerances specified in clause 3.2,-

- (a) the numbers of items of service usage that are overcharged events or undercharged events, as a proportion of the total number of chargeable events, shall not exceed the limits shown in Table 1; and
- (b) the sum of the values of the errors in the overcharged events or undercharged events, as a proportion of the total value of the total number of chargeable events, shall not exceed the limits shown in Table 1.

Table 1 – Total Metering and Billing system reliability performance requirements

Chargeable events	Performance
Number under or not charged	0.1% (1 in 1000)
Number overcharged	0.004% (1 in 25,000)
Value under or not charged	0.05% (1 in 2000)
Value overcharged	0.002% (1 in 50,000)

4.2 Where implementation of an order for a service, feature or discount which depends on the number or duration of chargeable events is applied at variance with published tariffs, each chargeable event within the scope of the incorrectly applied order shall be an undercharged event or an overcharged event, as appropriate, for the purposes of clause 4.1.

4.3 Where an item of service usage is completed other than intended, but the charge applied is correct for the service as delivered, this shall not be regarded as either an undercharged event or an overcharged event.

4.4 The increase in duration or number of items of service usage resulting from degraded transmission performance shall not be considered when computing the performance of the system.

5. Applying credit to accounts

- 5.1 For post-paid accounts, payments made by a subscriber shall be credited to his account within three (03) working days of receipt of the cash/ cheque. Where credit is given by the service provider, this shall be applied within one (01) working day of its agreement.
- 5.2 For pre-paid accounts, top-up credit shall be applied to a subscriber's account within fifteen (15) minutes of its application. Where credit is given by the service provider, this shall be applied within one (01) day of its agreement.

6. Timeliness of postpaid billing

- 6.1 The timeliness of bill issue or bill data file issue shall be subject to systematic processes.
- 6.2 Any chargeable events, the details of which are not available when the bill is prepared, shall be included in a subsequent bill, but not later than the fourth monthly bill after the chargeable events occurred. Any details not so presented shall be written off and if significant be counted against the performance for undercharged events in clause 4.1. Exceptionally, event details from a separate service provider may be billed up to three months after receipt.
- 6.3 Agreement to extend the timescales described in clause 6.2 may be sought from TRAI. An extension will only be granted in exceptional cases and considering following:
- (a) the method of informing the subscribers of a protracted delay in rendering call records onto a subsequent bill; and
 - (b) the integrity of the billing process audit arrangements.
- 6.4 The service provider shall contract with its delivery agent to ensure that an effective bill or bill data file delivery schedule is in place. The existence of such a contract shall be subject to audit.

7. Restriction and removal of service

Where the service provider unilaterally intends to restrict or cease service to the subscriber, a notice of such action shall be given to the subscriber, in advance, so that the subscriber has reasonable time to take preventive action to avoid restriction or cessation of service.

8. Complaint handling

- 8.1 The service provider shall have a documented process for identifying, investigating, and dealing with billing complaints. The service provider shall maintain appropriate records thereof.
- 8.2 Complaints regarding overcharging, refund of security and other deposits with service provider shall be treated as billing complaints and all such cases shall be resolved in accordance with the provision of the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009.
- 8.3 The service provider shall carry out a root cause analysis for each upheld billing complaint, categorize the cause and establish proportionate remedial action to correct it.
- 8.4 Where the root cause affects multiple subscriber accounts, then all affected bills shall, if practicable, be included in a recovery program.
- 8.5 Where remedial action has not been completed and the cause is likely to affect other bills when issued, then the service provider shall take reasonable steps to ensure that they are checked and, if necessary, corrected, before being sent to the subscriber. If not checked and corrected such bills shall be included in a recovery program (clause 8.3).

Explanatory Memorandum

1. Background

1.1 TRAI has laid down the Code of Practice for Metering and Billing Accuracy through the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation, 2006 (5 of 2006) dated the 21st March 2006. The purpose of laying down these regulations for metering and billing is to-

- (i) Bring uniformity and transparency in the procedures being followed by service providers with regard to metering and billing;
- (ii) Prescribe standards relating to accuracy of measurement and reliability of billing;
- (iii) Measure the accuracy of billing provided by the service providers from time to time and to compare them with the norms so as to assess the level of performance;
- (iv) Minimize the incidences of billing complaints;
- (v) Protect the interest of consumers of telecommunication services.

1.2 These regulations contain a Code of Practice for Metering and Billing Accuracy, that has to be complied by every Basic Service Providers, Unified Access Service Providers and Cellular Mobile Telephone Service Providers. These regulations also provide for TRAI to notify a panel of Auditors to audit the Metering and Billing System of service providers, to ensure that the service providers comply with the Code of Practice. Each service provider has to appoint one of the Auditor from the panel notified by TRAI and is required to submit an audit report (AR) by 30th June every year. The service providers are required to take corrective action on the inadequacies, if any, pointed out by the auditor in the audit report and an action taken report (ATR), thereon, shall be filed with TRAI not later than 30th September every year.

1.3 Subsequently, TRAI notified the empaneled auditor's list and issued illustrative Checklist for audit as per the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation, 2006. A Direction was also issued to the access service providers on 12.06.2012, on the issues arising out of the audit of the metering and billing system of service providers with regard to maintenance of Master Table service area-wise, to record the steps taken to configure the new number series and new tariff plans.

1.4 The amendment to the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation, 2006, issued on 25.03.2013, contains the procedure for auditing Call Data Records [CDR] of the sample representative plans of the service providers, in each service area, based on the number of subscribers in the plan and the launch date of the plans. To ensure that the service providers submit the audit report & the action taken report, take corrective action on the audit observations, including refund of overcharged amount to the affected customers, financial disincentives [FD] provisions have also been introduced in the amended regulation. The obligations on the auditor to follow the guidelines and checklist issued by TRAI, and to conduct the audit in a fair and transparent manner were also included in the amended regulation. The timeliness for submission of audit report and action taken report by the service providers, have also been revised to 31st July and 15th November every year in the amended regulation.

1.5 A set of Guidelines and Checklist for Audit, as per Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation, 2006, as amended by Quality of Service (Code of Practice for Metering and Billing Accuracy) (Amendment) Regulations, 2013 has also been issued on 16.05.2013, facilitating all Access Service Providers and the empaneled Auditors in carrying out the Audit of metering and billing systems and specifying the formats for submission of the progress report of audit on Quarterly basis by the auditor and monthly progress report in respect of action taken by the service provider on instances of overcharging reported under regulation 6A, separately for basic telephone service (wireline) and cellular mobile telephone service. Separately, Authority on 16.05.2013 also specified the formats for submission of the audit report and the action taken report as per the timelines mentioned in the regulation.

1.6 In 2017, a committee was constituted to assess the effectiveness of the current system of Audit. Special audit of the metering and billing system of few service providers in one of the service areas was carried out in 2018. This special audit and audit findings of previous years revealed certain issues which were not covered comprehensively under the present framework of audit of metering and billing systems. During interaction with the various auditors,

issues have emerged which are affecting the effective audit of the metering and billing systems.

1.7 Over the time, the telecom networks have also undergone significant changes, and many new services have been offered by the telecom service providers. Tariff offerings as well as the usage patterns of the services have also changed significantly. New tariff plans, offering unlimited usage with certain limitations under fair/ commercial usage policy, are being offered by the service providers, and, in several scenarios, billing has shifted from itemized billing to unlimited plans, till the expiry of validity of the subscribed tariff package. The focus has shifted from voice to data and with the increasing penetration of the LTE technology-based networks carrying voice over data, mobile data usage has increased significantly. Voice, now a days, is being bundled free with the mobile data packs.

1.8 Advanced, robust and scalable IT products have also found their ways into the telecom industry to check leakage in revenues, subscriber churn and host of other data analytics techniques. Similarly, such IT solutions are also capable of carrying out auditing of metering and billing systems in more effective manner.

In view of the above, the Authority undertook a public consultation in the matter by releasing a Consultation Paper on “*Review of The Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2006*” on 1st September 2020 seeking comments of stakeholders by 27th Oct 2020. In response to the consultation paper, the Authority received comments from 13 stakeholders and 1 counter comment. An Open House Discussion (OHD) was also held with the stakeholders at New Delhi on 3rd March 2021. One more opportunity was given to the stakeholders to give additional comments after the OHD and two additional comments were received. The Consultation was focused on the issues arising out of changing scenarios in the telecom networks, changing usage pattern of subscribers, enhancement of IT capabilities with Telecom Service Providers etc. All comments received from stakeholders during the consultation process have been considered by the Authority while finalizing these regulations.

2. Key issues raised in the consultation paper (CP):

2.1 Change in sampling methodology of the tariff plans selected for audit, audit of full spectrum of tariff plans:

- 2.1.1 Under the current methodology, sample plans selected in the case of post-paid and prepaid service for audit purposes are equal in numbers, while the number of subscribers in postpaid and prepaid segments are highly skewed. In India, more than 95% of customers are prepaid. Number of plans offered by the service providers for prepaid segment are outnumbering the plans offered for the post-paid segment.
- 2.1.2 The present sampling methodology requires selection of a plan based on its popularity at the beginning or end of the quarter. This methodology many times, do not account for some new tariff plan launched in the mid of the quarter but not popular enough to be figured in sampling by the end of quarter..
- 2.1.3 Similar is the case for selection of basic prepaid plans offered to a consumer on subscription of prepaid services and Special Tariff Vouchers (STVs) subscribed by the customers subsequently over and above basic plan, where though STVs offering special tariffs have outnumbered basic tariff plans, but same are not accounted in sampling process. These STVs required more rigorous testing to cover all types of scenarios.
- 2.1.4 Data packs may also require different considerations than the voice packs as these are designed in a bit different way. Data packs with Fair/ Commercial Usage Policy (FUP) after a predefined usage require cross verification during Audit to ensure that consumers are able to use committed offer before applying FUP. Further the customers subscribing to higher value plans though small in number but are important from the audit perspectives to conform the availability of services offered in reality.

2.2 Considerations required to be taken to address the issues or concerns related to the incidences of wrong charging including overcharging specially in case of data packs, STVs, multiple tariff packs at a time, etc.:

2.2.1 Service providers offering multiple STVs simultaneously, though are adopting preventive or pro-active methods to cross verify the configurations and sequencing of charging from multiple STVs subscribed by consumers to reduce the incidences of errors in charging or wrong charging, yet these are also required to be looked into by auditing teams to create confidence among users. Consumers complaints analysis and configuration with support of IT tools for configuration testing and data analysis may be looked into through collaborations.

2.3 Use of IT tools for avoidance of error, audit, and testing of tariff plans. How such tools developed for rigorous testing before launch of new tariff plans can also be used for audit purposes?

2.3.1 Revenue assurance and fraud management systems are widely in use by telecom service providers to check revenue leakage and detect host of other anomalies in the billing and charging systems of postpaid and prepaid. Capabilities of such systems might help auditors to handle voluminous data in comprehensive and exhaustive manner.

2.3.2 Auditors should also look into to use IT tools in analysing complex configurations through offline methodologies by simulating various scenarios and compare the same with actual charging being done by the Service Providers to arrive at a conclusion of overcharging, if any.

2.4 Dissemination of information related to terms and conditions and tariff details to subscribers in timely and appropriate manner

2.4.1 The current provision in the regulations requires that before enrolling a consumer for any telecommunication service, to the extent rules and regulations defined for the purpose, he/she shall be provided the detailed information relating to the tariff applicable, tariff plan subscribed by him/her, charging units for charging i.e., each SMS message, or kilobyte of data, accuracy of measurement of time, duration and of quantity, and also the resolution and rounding rules etc. Further, consumer is also informed about charging details of value-added service, e.g., download of content, such as a film clip or ring tone or entry to an interactive service (such as a game), etc.

2.4.2 The dissemination of improper or inadequate information or provision of misleading information relating to tariff, both at the time of provisioning of service or while offering new tariff plan or vouchers to an existing customer, will lead to billing complaints. In order to ensure transparency, service providers are required to make the users aware, by providing adequate information to them, in an unambiguous manner, relating to tariff both at the time of provisioning of service and while offering a new tariff plan or vouchers to the existing customers.

2.4.3 In case of physical mode of acquisition of consumers, the terms and conditions of the service are given to the subscriber as a part of the start-up-kit (SUK), general terms and conditions are provided on the reverse of customer acquisition form (CAF) for prepaid and postpaid mobile connections. 'Welcome Letters' are also sent to all new postpaid customers containing the details of the tariff plan subscribed by them, and the terms and conditions of the service. In the case of prepaid customers, the terms and conditions of service and details of the tariff plan is conveyed to the customer through SUK, TEF (tariff Enrolment form) and a copy of the CAF. However, with customer acquisition through e-KYC the conventional ways of providing tariff information to the customers as hard copies of CAF or TEF are not provided.

2.4.4 With the increased use of data services and more penetration of smartphones, there may be newer ways to inform the users such as Voice assistants, chatbots, interactive videos on different aspects of the usage, intuitive apps, web self-care, that can improve the way information is disseminated to the subscribers. There may be ways to provide such information at any point in time the customer needs to access it. Customers get such information via call centers or web portals or USSD menus for details of the tariff plans they have opted in. From the service provider's side, periodic updates might be provided via account statement, physical bill or e-bill, which may carry the tariff details of the plans, add-on plans opted by the customer.

2.5 IT enabled measures to ensure consistency of tariff information across different channels

2.5.1 In order to ensure that all charges levied for telecommunication services on the customer are consistent with the tariff applicable to the

customer and configured exactly as per tariffs defined, TRAI issued a direction on 12th June 2012, mandating the service providers to ensure that a Master Table is maintained service area wise, to record the steps taken to configure the new tariff plans, and such Master Table was required to contain the name of the tariff plan or STV, the date of launch, the date of configuration of the tariff plan or STV in the billing system, the date of detection of mistakes or problems in the configuration, the date of rectification of the problem, the number of customers affected, the number of customers who were refunded excess amount collected, the amount refunded, the number of customers who were not refunded and the amount that could not be refunded. The entries in the master table duly authenticated by the official of the service provider, shall be provided to the auditors appointed for auditing the metering and billing system of the service providers for the auditing purposes. Auditor shall verify the synchronization of data entries in master table to those actually applicable to the consumers.

2.5.2 The issues observed earlier on delay or wrong configuration of new codes, tariff plans in the system, wrong charging due to incorrect dialing, etc. have almost been zeroed, however relating to wrong charging due to wrong configuration of tariff continues to be observed by the auditors.

2.5.3 Further, audit is also required to ensure consistency in the information across multiple channels. Instances have come into notice during the audit process where the tariff offered and charged to the customer is different from the tariff reported to TRAI, or the tariff published on the website, or the tariff charged is different from both the tariff reported to TRAI and the tariff published on the website. Any correction of wrong charging due to inconsistency of information by the TSP across multiple channels is required to be done, keeping the customer in the advantageous position always.

2.5.4 Workflows which ensures consistency across the multiple nodes or applications at the time of creation, modification or deletion of tariff plans may be a better way than an offline process such as the currently adopted Master-Table approach. If due to some reason, the process executed at one node is not successfully executed at the other node, it might be rolled-back to ensure consistency. IT-enabled workflows and rules would not only ensure

consistency across the different mediums but also avoid unnecessary calls on call centers or requirement of resolution of complaints.

2.6 Changes in handling of billing complaint, its definition and frequency of Audit:

2.6.1 Complaint handling requires documentation of the processes for identifying, investigating, and dealing with the billing complaints, and creating appropriate records thereof. It further requires the service provider to carry out a root-cause analysis for each upheld billing complaint, categorise the cause and establish proportionate remedial action to correct it. Where the root-cause affects the multiple customer accounts, then all affected bills need to, , be included in a recovery program.

2.6.2 In order to ensure timely applying of the credit to the account of the customers, CoP has prescribed time limits within which payments made by the customer should reflect in his/her account. Modes of receipt of payment may be different such as cash/cheque, top-up, etc. CoP also prescribes time limits for cases when credit is to be given by the service provider to the customer, and reference time for such limits is the date of such an agreement. There may be inconsistency in updating of data shared by the third-party payment collectors and billing system, resulting into to billing complaint.

2.6.3 In case of restriction and removal of a service by the TSP unilaterally, a notice is required to be served to the customer in advance of such action, so that the customer has reasonable time to take preventive action to avoid restriction or cessation of service. If notice is not sent by the service provider in a timely manner and in an appropriate way, then such an action may also lead to billing complaint.

2.6.4 For timeliness of post-pay billing, CoP subjects to systematic processes, it requires that in case an item is not charged consecutively in four-monthly bills by the TSP, then it cannot be charged in a later bill and would be written off, unless any extension of time is granted by TRAI. TSPs have to make appropriate arrangements to ensure that an effectual bill or bill data file delivery schedule is in place.

2.6.5 From the discussions above, it may be concluded that there is a need to bring out a comprehensive guideline to deal with various kinds of scenarios related to billing complaints, as described in above paras and might be required to be reviewed. Defining what constitutes billing complaint may also bring uniformity across the service providers. Inclusion of major issues observed during such examination, as a part of the auditor's report could help in timely interventions if the situation so warrants. Apart from the audit of CDRs in every quarter, if the auditor also checks workflow of the complete billing complaint, then it might help in improving complaint handling process.

2.7 Retention of old records for special or peer Audit:

2.7.1 Special or peer audit may help in gaining insights into service providers' procedures and also help in improving the audit procedures better. Quality of audit might be improved by undertaking special audit/peer audit.

2.7.2 To conduct peer/special audit, there may be a requirement to specify the period for which records should be maintained and made accessible to the auditor in a timely manner for the purpose of such audits.

2.8 Regulation 6 C, 6D and 6E be retained or be altered/strengthened:

Regulation 6C, Regulation 6D and Regulation 6E of the regulations dealing with consequence for failure of the service providers to submit audit report and action taken report, consequence for failure of the service providers to refund overcharged amounts to customers and consequence for failure to provide comments on audit observations in the Action taken report respectively were framed long ago. There may be a need to revisit at their relevance and efficacy considering the changes described in the preceding paragraphs.

3 Comments/ Counter Comments received for the Consultation Paper (CP)

3.1 Change in sampling methodology of the tariff plans selected for Audit, Audit of full spectrum of tariff plans

Majority of service providers and COAI, suggested that the existing sampling methodology is sufficient and the number of plans for Audit may comprise of top five most popular plans. Some TSPs submitted that with the introduction of more unlimited packs/ plans the scope of audit is irrelevant as the present sampling criterion is based primarily on metered or itemized calls/ SMSs/ data and several internal checks are already in place and undertaken by the service providers to ensure correctness of the tariff plan configuration in the metering and billing systems. Two TSPs submitted that for fixed line network the existing sampling methodology is adequate.

Some Consumer Advocacy Groups (CAGs) commented that the sampling of tariff plans should take into account the complaints received from subscribers; Tariff plans of high value subscribers may also be put to audit. It is also suggested by one CAG that all the tariff plans that are existing at the beginning of the quarter be put to audit. The tariff plans be sampled to cover 70-80% of the subscribers. One TSP suggested that it is not advisable to treat the scope of postpaid and prepaid segments similarly.

Some consumer organisations suggested that in addition to the number of customers, value involved can also be considered while sampling; charges applied post fair usage limit needs to be checked during audit; Corporate plans may be included in the audit process; that sample size of STVs and data can be increase to 10% of total; full spectrum of tariffs be audited, because only CDR auditing is not sufficient, this whole process should be audited to prevent wrong billing and charging complaints; The selection of samples should be flexible, and the size of samples can be changed looking to the condition/ situation that time.

One TSP suggested that the audit be carried out for 2-3 LSAs only as all the LSAs provide similar tariffs; Considerations required to be taken to address

the issues or concerns related to the incidences of wrong charging specially in case of data packs, STVs, multiple tariff packs at a time, etc.

Few TSPs suggested that already stringent IT controls are in place, and extensive testing is done before the pack is offered and exceptional incidences of wrong charging should not be considered as process/ system failure; Internal checks are available, and refunds made to affected customers in case overcharging is detected. One TSP has submitted that the charge rates applied post FUP (fair usage policy) period be checked.

One CAG suggested TRAI should use Independent Approval Bodies (AB), who are accredited to approve those service providers who are required to demonstrate compliance with the Direction just like OFCOM. One CAG is of the view that a high-level description of the billing system be framed by service provider and the checklist issued by TRAI in 2013 is more than enough; only proper and timely enforcement is needful.

3.2 Use of IT tools for avoidance of error, audit and testing of tariff plans

Majority of the TSPs and COAI suggested that standardized tools may be used by auditors which are different from the tools used by service providers and the internal system of service providers cannot be shared with the auditors as the IT systems used by service providers are their proprietary, while two TSPs suggested that fraud management and revenue assurance modules can be shared with the auditors for facilitating the audit process. Some TSPs and consumer associations also suggested that TRAI should try to develop its own systems.

One consumer association commented that a system be put in place to cross check reasonable variation between input and total billing within limits. One TSP is of the view that auditors should be given free hand to develop their own systems to derive billing accuracy; any standardization of the audit systems may limit the output and capability of IT deployment of audit systems developed by auditors as they may not be able to introduce any innovative technology which may provide better output; at the most TRAI may conduct periodic audit of systems developed by auditors so as to ensure accuracy of processing the data of such IT tools developed by auditors.

3.3 How such tools developed for rigorous testing before launch of new tariff plans can also be used for audit purposes?

No comments offered by Stakeholders.

3.4 Dissemination of information related to terms and conditions and tariff details to subscribers in timely and appropriate manner

One Consumer Association suggested that for postpaid users a report may be sought from the service providers regarding the welcome letters sent to the subscribers upon activation and for prepaid subscribers report on 25% of the new subscriptions be furnished. Majority of the TSPs and CoAI submitted that already USSD messages, IVR, agents, self-care systems, help lines etc, are in place for the dissemination of information; hence, no changes in the mode of delivery have been suggested; however, chatbots on the website can help. As digital platforms are getting popular, majority of the TSPs and COAI, also suggested to do away with hard copy of the bills, Tariff Enrolment Form [TEF] and the Welcome letter and the audit test schedule may also include verification of TSP's self-care apps providing full details of the tariff offerings subscribed by customers.

TSPs and COAI submitted that existing regulations are adequate to ensure that relevant and clear information is presented to the customer during and after transaction is executed. Some stakeholders suggested that information pertaining to tariff plan details, terms and conditions of the plan, VAS subscription etc., be available to subscribers in soft copy or PDF through various means like website, App etc.

CAGs suggested that any changes in the terms and conditions be instantly brought to the notice of the subscribers; voice assistants, chatbots and interactive videos be put to use for information dissemination, with an option to contact personnel of the service provider. CAGs also suggested that there is a need for a written contract document between TSP & customer and CAF & TEF be retained.

3.5 IT enabled measures to ensure consistency of tariff information across different channels:

One CAGs suggested that once the service provider launches a tariff plan the same may be mirrored on TRAI website after 24 hours; A Central or Master database of the tariff plans be created by Service Providers and different channels may use the database for maintaining consistency of tariff information; To maintain the accuracy and consistency of tariff information across the different channels, a single place of storing of information (master database) can be more effective which can be accessed through different channels or medium using the availability of IT platforms.

Few Consumer associations also suggested for periodical publication for tariff related information including launch date, withdrawal date etc on monthly basis in two newspapers one in Hindi or English & other in regional language, by service providers and a copy of such information be sent to TRAI for observation & record.

Some TSPs and COAI suggested that there should not be any mandatory provision for providing the tariff-related information or any other information as per the regulations, directions and orders issued by the Authority in writing.

3.6 Changes in handling of billing complaint, its definition and frequency of Audit:

Issues related to the configuration of codes and issues relating to wrong dialing are no longer observed in the Audit. One CAG suggested that each billing complaint should be categorized to which item it relates. Majority of the TSPs and COAI are of the view that the current guidelines issued by Authority are comprehensive enough to deal with various kinds of billing complaint.

Some of the TSPs submitted that the vast categories in the billing complaints may be reduced to make audit process simple and effective; It is in the interest of the service providers to minimize the billing complaints and thus higher frequency of audit of billing complaint may not be of help; there is no further requirement for micro regulation on further defining the billing complaint.

Suggestions are also received from a consumer association that classification of billing complaint can be under payment, plan, lack of information to the customer, lack of application on the part of TSP etc.; there should be more focus on Billing complaints related to international roaming; frequency of audit of billing complaints involving third party should be more and be made quarterly. One CAG also suggested that existing provisions are good one and TRAI has to cross check whether the customer grievance redressal mechanism is functioning fruitfully or not? One consumer association is of the view that audit should be more strict and vigilant in billing complaints; there should be fixed time period to address and resolve the billing complaints especially when the payment is done through the TSP channels like App, retail store, distributors, e-wallets.

3.7 Retention of old records for special or peer Audit:

One consumer association suggested that in place of peer audit, an audit committee comprising of all TSP representatives as well as 2 CAG (Consumer Advocacy Group) representatives may carry out the audit in each service area; six months records may be maintained unless there is a recurring critical issue. Some of the TSPs opined that the special audits be conducted on the data already extracted for any previous audits in the last two years or on the current/ last quarter data only; comparison of historical data is not required; since TSPs are dealing with maintenance of millions and billions of Call Data records, holding and Maintaining CDRs for a longer duration and further retrieving such old records involves lots of resources and man hours to be spent for which is not required as the current audit process suffice enough the objective of the Regulator on resolution of issues related to billing and charging;

Some TSPs submitted that there should not be any special audit of an audit already conducted under TRAI's regulation. In telecom sector, where online work is mostly done, it suggested that at least two-years records be maintained by TSPs, as mandated under licence conditions.

3.8 Regulation 6C, 6D and 6E be retained or be altered/strengthened:

Some of the stakeholders suggested that the penal provisions to the TSPs be avoided, and financial disincentive may not be levied as a consequence for failure of the service providers to submit audit report and action taken report within the timelines. Few of the TSPs submitted that the timelines prescribed under Regulation 6A for audit report submission, be increased by 3-months, ATR submission be increased by 3 months and time for refund of the overcharge amount to the customers may also be increased. Some stakeholders are of the view that existing regulations may be continued, and others commented that existing provisions are too high.

COAI and some of the TSPs suggested that Authority should define the graded timelines for refunds to customers based on the number of customers affected and refund amount to be processed.

One consumer association submitted that penalties and disincentives are very much required to ensure compliance and needs to be suitably strengthened. Penalties imposed on TSPs under different heads should also be publicized; these regulations and their consequences must be retained for proper check and balance on the service providers.

3.9 Other issues:

Members of CAG be used to conduct audit of the metering and billing systems of TSPs. E-bill should be made as default option by replacing the hard copy of bills for the postpaid customers. There should be reduction in the number of audits being conducted. It was also requested to share the draft regulation before finalisation.

4 Key Outcome of the Consultation Paper

Based on the deliberations on the Consultation Paper, inputs received from the stakeholders, discussions held in open house discussion and interaction with empaneled auditors, key outcomes on the issues of Consultation Paper (CP) are as under:

4.1 Sampling methodology of the tariff plans selected for Audit

The present sampling methodology of selecting representative tariff plans for audit needs revisions in view of the skewed representations of the various tariff offerings specially in prepaid segment. The telecom networks have undergone significant changes since 2013, and many new services are on offer by the telecom service providers. Usage patterns of the services have also changed significantly. New tariff plans with unlimited have been offered by the TSPs, which have shifted billing and charging from itemized to unlimited service(s) usage plans.

Further, the present sampling methodology for selection of tariff plans for audit is primarily based on the popularity of a post-paid/ pre-paid plan/ STVs only at the beginning of the quarter. There is every likelihood that the subscription count of tariff offerings might undergo change during the quarter, making less popular tariff offerings more appealing to be subscribed by the large number of users but not accounted in sampling. Present methodology consider almost equal numbers of plans for audit of postpaid as well as prepaid plans. This is also not true representations as prepaid consumers constitute with more than 97% of total subscribers base and prepaid plans are supported by special tariff vouchers, which is not the case for post-paid.

Presently, the subscription pattern of pre-paid subscribers is quite high as compared to the postpaid and the focus has shifted from voice to data service, wherein voice is bundled as free, restricted to fair usage policy (FUP) of the service providers. The Indian telecom market is very dynamic in nature and range of services as well as tariff offerings are witnessing frequent changes, with the change in technology and time.

As regards to relevance of Audit of unlimited bundled plans, it is clarified that all such plans are defined with reference to volume of usage within specified period of time at fixed prices. There may be situations where commitment of the tariff offers are either not truly available or partially available to the consumers, due to wrong configurations in the systems or due to applicability of wrong policy of fair usage (FUPs). This situation may deprive consumers to avail full benefits of the plans. Therefore, there is requirement of audit to look into such

anomalies, workout the quantum of wrong charging and get due compensation the consumers.

Most of the billing, metering and charging systems operate centrally, serving one or more license service areas. All tariffs are configured in the central system and applied to one or more LSAs, depending upon the offers of service providers. As such Authority is of the view that before starting audit of LSA, let its billing system is audited first, so that auditor is able to identify configuration related anomalies, impacting one or more LSAs. Further, one tariff being offered in multiple LSAs from same billing system should be audited in one of the LSA. In other LSAs even if such tariff offering is eligible in sampling, alternate tariff offering (next one in sampling) should be considered,

In order to conduct audit effectively as well as objectively, the Authority is of the view that the selection criterion of the tariff plans be made more agile for audit so that it gives fair representation to every stratum of the telecom consumers irrespective of their count in total customer base, so as to protect their interest.

Authority, therefore, decided

- i) that the sampling methodology shall be notified after giving due consideration to the prevailing market conditions, so that a fair representative tariff offerings truly representing dynamics of the telecom market is subject to audit.**
- ii) that all of its metering and billing systems, whether centralized or distributed, are audited at least once in a financial year latest by 31st July.**
- iii) all of its Licensed Service Areas are audited for accuracy of metering and billing at least once in a financial year.**
- iv) Further the audit shall be conducted in such a manner, the Licensed Service Areas are uniformly distributed throughout the four quarters of the financial year.**

4.2 Use of IT tools for avoidance of error, Audit and testing of tariff plans

Comments submitted by the Service Providers indicate that they are using IT tools and Applications for configuration of tariffs and their testing, to cross verify the configurations before putting them on production (actual offer to consumers).

However, the service providers are reluctant to share their systems with auditors for audit purpose. Being responsible telecom regulator, it is imperative for Authority to take care of the interests of the consumers. The **Authority therefore, decided that audit of the metering and billing systems whether centralized or distributed is to also be done before taking up the audit of the licensed service areas being served by that metering and billing system. This will enable detection of errors due to wrong configuration leading to wrong charging incidences. Additionally, audit of the representative tariff offerings covering all use case scenarios prevalent in the market shall be done using CDR/IPDRs generated in the system.**

Authority further acknowledges **adoption of new technologies such as Artificial Intelligence & Machine Learning (AI/ML), in the ecosystem for quick analysis and actions on findings of such analysis. Appropriate guidelines in this regard shall be issued by the Authority from time to time.**

4.3 Dissemination of information related to terms and conditions and tariff details to subscribers

Majority of the stakeholders suggested that current practices of providing hard copies of welcome letters, Tariff enrolment Forms, terms and conditions of the tariffs, bills can be done away and all such information should be provided electronically through various platforms such as USSD messages, IVR, agents, self-care systems, customer care helplines, web site, e- mails, OTT platforms etc. These platforms are easier to access and quick to disseminate information.

Even though the dissemination of true and accurate information pertaining to the tariff plan/ voucher subscribed, terms and conditions of the plans and provision in such manner that it can be retrieved easily at the time of need, from anywhere is the essence for maintaining the transparency in the service provider & subscriber relationship and it is expected that service provider shall provide the correct information related to tariff and terms and conditions of the services subscribed in an unambiguous manner, to the subscribers.

Considering that all these issues are covered under different regulations viz. TCPR, TCCRR TTOs etc., **the Authority decided that the comments of the stakeholders will be considered appropriately, while reviewing the relevant**

regulations/ directions. Further, to maintain transparency and clarity in the dissemination of the information related to tariff, the customer shall be informed in accordance with the regulations, directions and tariff orders issued by the Authority from time to time, about the tariff plan subscribed, quantity related charges, accuracy of measurement, terms and conditions of the tariff offer subscribed etc.

4.4 IT enabled measures for consistency of tariff information across different channels

Stakeholders submitted that once the service provider launches a tariff plan the same may be mirrored on TRAI website after 24 hours. A central or master database of the tariff plans should be created by service providers so that different channels can use the database for maintaining consistency of tariff information.

In order to ensure that there is no variance in the terms and conditions of the tariff offerings across multiple nodes or applications at the time of launch, revision, or withdrawal of tariff offerings and to safeguard the interests of the subscribers, **Authority decided that every service provider shall ensure that there is no inconsistency in respect of the tariff offerings across various platforms. Further to start with, the tariff offering filed by service providers with TRAI shall be verified during the audit, for consistency.**

4.5 Changes in handling of billing complaint, its definition and frequency of Audit: Majority of the stakeholders submitted that the current guidelines are comprehensive enough to deal with various kinds of billing complaint and it is in the interest of service providers to minimize complaints. As Billing complaints are part of the standards of QoS regulations, issues related to billing complaints, its definitions, categories etc, shall be dealt appropriately, while reviewing these regulations.

However, since billing complaints are the grievances of the customers and their dissatisfactions with the systems of the service providers, there is need to make suitable mechanism to deal with such complaints more effectively. . In view of this, **Authority decided that a sample of billing complaints filed with service providers irrespective of its reasons of closure, be subject to the audit and Authority shall issue appropriate guidelines from time to time in this regard.**

4.6 Retention of old records for special or peer Audit: Stakeholders submitted that previous records may be preserved basis confirmation from TRAI for a varying duration between six months to two years.

The Authority is of the view that the retention of old record especially the call data record and its retrieval is voluminous exercise and requires lot of time and resources for its maintenance. Service providers are already under obligation to maintain the old record as per conditions of the license. **Accordingly, it is decided that every service provider shall preserve the records pertaining to a financial year, for two years after completion of the financial year, subject to the retention period prescribed in respective license.**

4.7 Regulation 6C, 6D and 6E be retained or be altered/strengthened

Majority of the stakeholders submitted that existing regulations to continue and the timelines for the submission of compliances be increased. CAGs are of the view that these penal provisions should be strengthened further, as they are necessary for ensuring compliance to the regulations. However, learnings from the past audit reveal that there are still instances of wrong charging and service providers do not refund the overcharged amount to the customers even after the timelines mentioned in the regulations. Accordingly, a need is felt to strengthen the penal provision further by imposing graded financial disincentives increasing with delay in refund of overcharged amount to the customers. Further it is also felt to define a ceiling of maximum financial disincentive to be applied for delay in submission of the reports. Learning from the past audit, reveal that service providers submit the incomplete details in respect of the action taken on the observation of the audit reports and this practice is required to be discouraged.

In view of the above, **Authority decided to strengthen the financial disincentives provisions; the graded FD provision, increasing with delay in refunding the overcharged amount to the subscribers shall be applied. It has been decided that service providers shall, before the audit, conduct self-evaluation of the metering and billing systems of the Licensed Service Areas to be audited for the concerned quarter and take proactive action to avoid incidences of error in charging or wrong configurations. It has also been decided to provide three months' time to service provider to refund the overcharged amount to respective subscribers.**

It has also been decided to impose financial disincentive for detection of wrong charging during audit, to ensure that service providers take proactive steps for correct configuration of tariff offerings in their systems. Further, a ceiling on maximum amount payable as financial disincentives for delay in submission of audit and action taken reports not exceeding rupees fifty lakhs per report is also introduced. Submission of incomplete action taken report by service provider shall henceforth attract the financial disincentive in addition to false report submission.

4.8 Other modifications in the Regulation

(i) For the sake of clarity to all stakeholders, **the Authority has also decided to issue a new regulation repealing existing regulation instead of issuing amendments to the existing regulations.**

(ii) In view of unified licensing regime, **the Authority has also decided that the regulation shall be applicable to all service providers having Unified Access Service License or Unified License with authorization for Access Service or Unified License for VNO with authorization for Access Service.**
