

**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/2016/019
February 10, 2016

Shri Arvind Kumar
Advisor (NSL),
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg,
New Delhi-110 002

Subject: Draft Direction on delivering broadband services in a transparent manner

Dear Sir

This is with reference to Draft Direction on delivering broadband services in a transparent manner issued by TRAI on January 20, 2016.

The industry always endeavours to present its services and tariff offerings in a transparent and simplified manner to its consumers and our member operators have been working towards consumer education and awareness in regard to the various services to enable their customers to make informed choices and use their telecom resources efficiently and productively.

In this regard, please find attached the industry response on the Draft Directions.

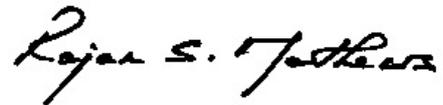
We submit that once this Direction is notified by the Authority, our member operators would require time for the development of all the features and alerts proposed in the draft Direction. We therefore strongly recommend that a minimum time frame of three months be provided 'from the date of issue of the Direction' for achieving compliance.

We hope that our inputs will merit your kind consideration.

Regards,



Ashok Sud
Secretary General-AUSPI



Rajan S. Mathews
Director General-COAI

CC: Shri. Sudhir Gupta, Secretary, TRAI

INDUSTRY INPUTS

ON

TRAI DRAFT DIRECTION ON DELIVERING BROADBAND SERVICES IN A TRANSPARENT MANNER

TRAI directs all the telecom service providers providing broadband (wire-line or wireless) services to –

- a) provide on their website and also in all advertisements published through any media, the following information in respect of all broadband tariff plans offered under Fair Usage Policy: -
 - (A) for Fixed broadband service:
 - i. data usage limit with specified speed;
 - ii. speed of broadband connection upto specified data usage limit; and
 - iii. speed of broadband connection beyond data usage limit;

Industry Response:

Our member operators are in agreement with the above clauses. However, we believe that clause 4 (a) Part A i & ii mean the same.

Thus, the clause 4 (a) part A should be revised as follows:

provide on their website and also in all advertisements published through any media, the following information in respect of all broadband tariff plans offered under Fair Usage Policy: -

- (A) for Fixed broadband service:
 - i. data usage limit with specified speed;
 - ii. speed of broadband connection beyond data usage limit;

(B) for Mobile broadband service:

- i. data usage limit with specified technology (3G/4G) for providing services;
- ii. technology (3G/4G) offered for providing broadband services upto specified data usage limit; and
- iii. technology (2G/3G/4G) offered for providing broadband services beyond data usage limit;

Industry Response:

We wish to highlight the fact that the customer is capable of seamlessly moving into various technologies viz., 2G/3G/4G and it is very much possible that:

- (a) the customer may in a particular area where the network is not configured to be able to cater to the customer's choice of technology and therefore the customer would be latched on to the available data technology.

- (b) the customer may have opted for a technology preference on his CPE/ mobile device, which will have an over-riding effect irrespective of the choice of technology of the data tariff plan.

For the tariff plans having a Fair Usage Policy (FUP) limit i.e., data speed being throttled post the exhaustion of the 'data usage limit', the throttling is done at particular speeds (within the same technology) and the customer is not shifted to a lower generation technology.

Our member operators are already providing the speed at which the data would be throttled post FUP in their tariff plans, on their websites. We therefore recommend the removal of the reference to 'technology (2G/3G/4G)' in Clause 4(a)(B)(iii) and instead replacing it with 'speed', which would also be consistent with TRAI's direction of 27th July 2012 for fixed broadband services.

We also believe that clause 4 (a) Part B i & ii mean the same.

Thus, the clause 4 (a) part B should be revised as follows:

- i. data usage limit with specified technology (3G/4G) as primary technology option for providing services;
 - ii. Download speed offered for providing internet services beyond data usage limit.
- b) provide information specified in para (a) above to both new and existing subscribers on their registered email address and through SMS on their mobile number registered with the service providers;

Industry Response:

We would like to submit that when a subscriber recharges/opt a particular plan or pack having FUP, the information related to monthly data quota and speed after the expiry of data quota is being informed to the subscriber. Further, after every recharge/renewal of its pack, our member operators are informing the said details to the subscriber. The existing subscribers who have been informed about their plan details will get this information at their next recharge/renewal.

Thus, the clause may be amended only for the new subscribers. Further, it is submitted that choice should be given to the operator either to provide information on subscriber's registered e-mail address or through SMS on the mobile number registered with the service provider. Also, this information would be provided in line with the revised clause 4 (a) part B suggested by us.

Hence, the clause 4(b) should read as under:

Provide information specified in para (a) above to the new subscribers on their registered email address **OR** through SMS on their mobile number registered with the service providers.

- c) ensure that download speed of broadband service provided to the fixed broadband subscriber is not reduced below 512 kbps in any broadband tariff plan;

Industry Response:

There can be two types of Broadband plans – (i) Fair Usage Plans (ii) Limited data plans.

- (i) Fair usage plans: In case of fair usage plans, the subscriber remains a broadband subscriber till the expiry of his assigned quota. Beyond the assigned quota, it cannot be the prerogative of the customer to keep on accessing data at the defined broadband speed. Hence a service provider should be free to throttle the speed after the expiry of assigned data limit to the customer.

In fact it has been observed that some customers misuse the minimum broadband speed provision and tend to overuse the data limit in their quota. Thus the cost increases for all customers due to higher usage at 512 kbps. As a result, we are forced to keep the price at a higher threshold for every customer. Therefore, if broadband has to become affordable in the country, ideally, the Authority should not mandate any broadband speed after exhaustion of quota.

- (ii) Limited plans: In case of limited plans, where only a fixed data quota is provided, there cannot be any mandate for providing minimum speed. Therefore, in case of limited plans, the broadband connection will be shut off after the expiry of quota.

Therefore clause 4(c) should be revised as under:

ensure that download speed of broadband service provided to the fixed broadband subscriber is not reduced below 512 kbps till the assigned data quota of the customer expires in case of Fair usage broadband tariff plan.

- d) provide alert to the subscriber when his data usage reaches eighty percent of the data usage limit under his plan and ensure that such alert is provided to the fixed broadband subscriber at each login after data usage crosses the said limit of eighty percent; and

Industry Response:

It is submitted that in today's scenario, most of the fixed broadband are being used as Wi-Fi (always on connections) and are being used amongst many users/ devices. Moreover, these alerts are being sent on the registered e-mail address/ registered mobile number. The purpose of adequately informing the subscriber is already met; hence there is no need for this clause.

Giving pop up alerts on every login after data usage crosses the quota limit of 80% may result into consistent irritant for customers and lead to spike in customers' complaints due to inconvenience.

Therefore, clause 4(d) should be revised as follows:

Provide alert to the subscriber through SMS or e-mail, when his data usage reaches eighty percent of the data usage limit under his plan.

- e) send alert to the subscriber either through SMS or Unstructured Supplementary Service Data (USSD) on his mobile number, registered with the service provider or to his registered email address, each time when the data usage by the subscriber reaches eighty percent and hundred percent of the data usage limit under his plan and furnish compliance report by the (date).

Industry Response:

The industry has already been sending the SMS alerts to its subscribers for fixed broadband subscribers.

With the Authority's TCPR (8th Amendment) dated 7th Aug 2015, the entire scope of alerts for mobile data services is fully covered to which we are fully compliant. This regulation mandates us to provide alerts at 50%, 90% and 100% of the 'data usage limit'.

Further, it may be noted that we have implemented the TCPR for all our mobile data service offerings irrespective of whether the customer has opted for a FUP (throttling) plan or a Standard Tariff plan (where, post the exhaustion of the data usage limit, the subscriber is charged at standard rates).

We also wish to highlight that the TCPR has provided flexibility to the TSPs to either provide alerts at percentage usage intervals or alternatively at balance data (in MBs) intervals. We therefore recommend that this Direction should align completely with the TCPR so that the flexibility granted to the TSPs is maintained.

In case, the Authority wishes to issue this Direction with this Clause related to alerts, then clause 4(e) of the draft direction should be revised as follows:

send alert to the fixed line subscriber either through SMS or Unstructured Supplementary Service Data (USSD) on his mobile number registered with the service provider or to his registered email address, each time when the data usage by the subscriber reaches 50%, 90% and 100% of the data usage limit under his plan or when the quantum of data available in account of the customer reaches 500 MB, 100 MB or 10 MB- and furnish compliance report by the (date).

Once this Direction is notified by the Authority, our member operators would require time for the development of all the features and alerts proposed in the draft Direction. We therefore strongly recommend that a minimum time frame of three months be provided 'from the date of issue of the Direction' for achieving compliance.