

BIF RESPONSE TO TRAI DRAFT DIRECTIVES 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;

BIF Response:

BIF is in agreement with all the above clauses.

(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

BIF response:

BIF is in broad agreement with these clauses. However, it appears that Clause 4(a)(B)(i) & Clause 4(a)(B)(ii) are referring to the same aspects – (1) Data Usage Limit & (2) technology offered for providing service upto the specified 'data usage limit'. Hence it is recommended that these clauses could be merged into a single clause.

Further, there may be cases where the operator needs to fall back on lower technology than the one contracted for (2G or 3G instead of 3G or 4G respectively) due to non-availability of specified technology at any location or time. The same shall also be applicable in case of services beyond the regular/contracted data usage limit. In the latter case, the operator should specify the maximum speed to be provided and not the technology.

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

- i. data usage limit with specified technology (3G/4G) as primary technology option for providing services;
- ii. technology (3G/4G) offered as primary technology option for providing broadband services upto specified data usage limit; and
- iii. Maximum 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"

BIF response:

BIF is in agreement with this requirement. However, choice may be given to operators to provide this information either through SMS on registered mobile number or on e mail id registered with 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;

BIF response:

In case of fair usage plans, the subscriber remains a broadband subscriber till the expiry of his assigned quota. 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, operators 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. However, if the Authority wants to fix a speed limit is after the expiry of quota, it may be fixed at 64kbps.

However, for 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 may be turned off after the expiry of quota.

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

4(c) ensure that download speed of broadband service provided to the fixed broadband subscriber is not reduced below 64 kbps in case of Fair usage broadband tariff plan after expiry of assigned data quota of the customer.

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

BIF Response:

One time alert after usage of upto 80% limit may be provided. However, repeated alerts may be a irritant and result in customer 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).

BIF Response:

We are in agreement with the above clause in case of fixed broadband subscribers.

However, in case of mobile customers, there are technical constraints in case of prepaid customers for providing the alert on the basis of percentage of data left out of data quota. However, alert on the basis of absolute data left can be provided for prepaid customers. These concerns were expressed even during the formulation of TCPR regulation – Telecom Consumer Protection Regulation (8th amendment), where in these limitations were considered by the Authority and a choice was permitted to the service providers.

Since a choice has been provided to the telecom operator that either an operator can provide the alert on completion of a certain percentage of data or provide alert as per the balance available data in the account of the customer, they have implemented the alert based on percentage of data consumed in case of postpaid customers; whereas in case of prepaid customers, alerts are provided on the basis of balance available in data quota., which is in line with the choice given to operators.

Hence the clause 4(e) of the draft direction should be revised as follows:

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 fifty,percent, ninety percent and hundred percent 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).

GENERAL COMMENTS:

It is requested that the Authority kindly take a note of fact that implementation of the Draft Regulations requires system development and therefore, the Authority may kindly provide three months' time period for implementation of this direction from the date of issue.

The industry also requests the Authority to kindly provide three months to the industry for implementation of this Regulation from the date of issue.