

RJIL/TRAI/2017-18/277

26th June 2017

To,

Sh. Sanjeev Banzal

Advisor (NSL),

Telecom Regulatory Authority of India,

Mahanagar Doorsanchar Bhawan,

Jawahar Lal Nehru Marg, New Delhi 110002

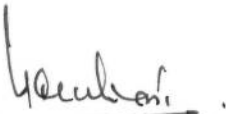
Subject: Counter Comments on Consultation Paper No. 5/2017 on 'Network Testing before Commercial Launch of Services' dated 01st May 2017.

Dear Sir,

Please find enclosed herewith RJIL's counter comments on the consultation paper on 'Network Testing before Commercial Launch of Services' dated 01.05.2017, for your kind consideration please.

Thanking You,

For **Reliance Jio Infocomm Limited,**



Kapoor Singh Guliani

Authorised Signatory



Enclosure: As above.

**RELIANCE JIO INFOCOMM LTD'S COUNTER COMMENTS ON
TRAI'S CONSULTATION PAPER ON
"NETWORK TESTING BEFORE COMMERCIAL LAUNCH OF SERVICE"
(Consultation Paper No 5/2017 Dated 1st May, 2017)**

1. At the outset, Reliance Jio Infocomm Ltd ("RJIL") thanks the Authority for initiating this consultation process to discuss the requirement and process of network testing before commencement of service.

2. RJIL has submitted its views and comments on the questions raised by the Authority in the consultation paper vide its letter dated 16.06.2017. RJIL's key comments are summarised below:
 - a. The Unified License has sufficient provisions and clarity pertaining to testing of networks before commencement of service and there is no need to change the same. Under the license, the service providers are required to deliver a level of quality of service ("QoS") both prior to and post commencement of services and they are expected to reach that QoS level with network testing.

 - b. Network testing can have various hues depending on the technology and scale and there cannot be a 'one size fits all' solution. The technological challenges of upcoming new technologies will be visible only when a sizable deployment is attempted and it will not be prudent to treat all network testing from the eyes of legacy service providers, who launched their services over a period of time and had the benefit of experience of existing technology in the market.

 - c. There are no restrictions under the License conditions on onboarding subscribers as test users with a clear communication to the test users that they will be transitioned to regular subscribers post testing. The testing service providers can onboard subscribers as test users in compliance with the instructions on subscriber verification for new connection. There should be no additional conditions associated to it.

 - d. In the era of spectrum auction, the service providers are themselves much eager to monetize the spectrum at the earliest and it will not be logical to put any restrictions on sufficient network testing.

 - e. The testing stage of network should have no bearing on POI, IUC and MNP, as long as the extant regulations on these subjects are complied with and the mandated payments are made.



3. RJIL has had the opportunity to review the comments made by other stakeholders on the subject. In this regard, we submit that we do not agree with certain comments, assertions and rationale put forward by some of the operators' viz. Bharti Airtel Limited ("Airtel"), Vodafone India Limited ("Vodafone"), Telenor (India) Communications Private limited ("Telenor") and Idea Cellular limited ("Idea") jointly referred to as "Service Providers" and some of their associations viz. COAI and AUSPI. We submit that the submissions of these operators/ associations are in contradiction to the existing regulatory framework and are without any rational basis.
4. At the outset, we submit that some of the Service Providers have mentioned that this Consultation Process is an attempt to cover RJIL's alleged circumvention of regulations and alleged illegalities. These service providers have also commented negatively on the Authority's intent and actions leading to this consultation process. Strict action is called for against these Service Providers for making such false and baseless allegations and for trying to take over the role of the Authority. Further RJIL brings to your kind attention that many of such false allegations against RJIL have been defeated at various legal forums and RJIL reserves the rights to take appropriate legal action against such false and malicious statements. It would also not be out of place to mention here that RJIL was fully compliant with all applicable License terms and conditions including conditions with respect to Lawful interception and monitoring ("LIM") facilities, Subscriber Verification and Subscriber traceability during its test phase. Further, RJIL had kept the Government, the Authority and the other stakeholders informed about its test phase through various public announcements as well as direct correspondences.
5. Some of these Service Providers have asserted that the License does not permit enrolling test users as subscribers, without ever referring to relevant clauses of the License which specify this provision. These service providers have attempted to use the definition of test cards in 2005 circular issued by Department of Telecommunication ("DoT") for the limited purpose of subscriber reporting, to justify their claims, however they have chosen to ignore the fact that the test cards as well as employee cards mentioned in the said circular are relevant and are being used even post commencement of services by all the service providers. DoT in its instructions dated 09.08.2012 on verification of New Mobile Subscribers (Pre paid & Post paid) in para 13 also authorizes Licensees to provision Test SIMs for any purpose.
6. These Service Providers have also alluded to the testing carried out before launch of Mobile Number Portability ("MNP") services as the only possible and plausible benchmark for testing modern networks. These claims are once again hollow, as the MNP testing was carried out only for one application, by already operational networks



presumably compliant with QoS regulations. Further, the limited purpose of MNP testing was to check call flow post prefixing of LRN.

7. Many Service Providers have also continued their ongoing chorus of financial stress in telecom sector. We submit that the financial stress, if any, in the sector is caused by these service providers only and they should stop blaming the market forces and instead need to take corrective actions themselves. These service providers have also stated that they do not see any new entrant entering the market, which again belies of their intent to block all new entrants in the telecom sector.
8. Some of the stakeholders have also suggested timelines for test phase irrespective to type & extent of new technology being deployed, however they have not chosen to give a proper rationale for the relevance of the timelines for new technology and such views may be disregarded. It cannot be the case of a new entrant to part test the service prior to commencement and part test post commencement of service.

Specific issue wise counter comments:

A. Onboarding of test users as subscribers

1. Some of the stakeholders have cited the DoT circular dated 29.08.2005 on methodology of subscriber reporting to conclude the definition of test cards and wrongly link this to subscriber onboarding for test trials of a network. The DoT circular defines the Test/ Service Cards as:

“Test/Service Cards: These are the cards which are given free of cost to the Business Partners including roaming operators to check the Quality of Service from time to time. As each Operator is supposed to provide test cards, so that on a continuing basis the Quality of Service is tested. These are given on non-chargeable basis.”

2. It is clear from the definition, that these test cards are the cards which are used to measure the Quality of Service on a continual basis and have no bearing on the commencement of service by a service provider. These test cards are also issued by fully operational service providers with over 20 years of commercial operations. This testing comprises of primarily two types of testing viz. network testing (inter-node network communication etc.) and business testing (with device and roaming partners). The test cards are issued on free of charge basis. Further, except for reporting requirements, there are no separate instructions



on verification of credentials for these test cards and the TSPs are at liberty to issue these test cards as per business requirements.

3. These test cards have no relation to the testing of network before commencement of service by a service provider. In a pre-commencement test phase, the service providers are required to test all the applicable systems, processes and procedures and stress test the network for the planned scale. Further, the service providers are permitted to onboard subscribers on their network post the DoT approval for Lawful interception and monitoring (“LIM”) facilities and in compliance with DoT’s prevailing instructions on subscriber verification.
4. In case a service provider, especially a new technology service provider, deems it fit that it requires scalable testing in all the service areas in order to provide assured levels of QoS, then the only way available to it is to comply with the LIM requirements and then enroll the required number of subscribers as test users for using test SIMs for each phase of network testing in compliance with all applicable license terms and conditions and TRAI Regulations. We reiterate that the license has sufficient provisions for the same.
5. We submit that the proposal of limiting the number of such test users or the duration of such test is equivalent to artificially restricting the introduction and growth of technology and innovation. If we want to be world leaders in development of technologies, we must continue to have an enabling regulatory environment to testing. Further, we have seen the impact of a single new technology player in India, wherein we are poised to become a world leader in usage of information communication technologies (ICTs). We can well imagine the impact when the new technologies will be developed and deployed in India first.

B. MNP Testing is not a Relevant Testing parameter

1. We submit that testing parameters derived during the MNP testing in year 2010-11 is not relevant to the network testing before commencement of service by a service provider. We reiterate that the MNP testing was carried out by already operational networks and the testing comprised of only one application. Therefore it cannot be a benchmark for a full-fledged testing of network, more so for a new technology network.



2. There are, typically, no benchmarks or testing parameters available for a technology being deployed on a large scale for the first time. The testing network needs to co-create eco-system and the testing benchmarks while the testing is carried out on a continual basis and at required scale. Thus the evolution of the testing benchmarks for a new technology is a long gestation process.
3. Further, we submit that we cannot import restrictions from one set of testing to another just for the sake of it. The proponents of MNP testing seem to ignore the fact that MNP regulations were promulgated in year 2008 post an extensive consultation process started by the TRAI Consultation paper of July 2005. Post the issuance of Regulations, there was an extensive discussions over the modalities of implementation of MNP in India under the aegis of DoT and TRAI. The service providers also formed a working group under the leadership of COAI and AUSPI to hammer out the technical and operational issues and arrive at an agreeable testing mechanism, which finally culminated in launch of MNP in January 2011, in a phase wise manner. Thus the whole process took over 5 years to gestate for a uni-dimensional testing and implementation with known and deployed technology.
4. In fact, MNP process is a good indicator that developing testing parameters takes time, even when the Government and Regulator are also extensively involved in driving the implementation and testing. Thus the Authority should not give heed to the restrictive voices and the new technology service providers should be given all flexibility possible for testing phase.

C. RJIL was the first service provider to offer VoLTE Services

1. Some of the service providers have contended that LTE services were launched in India before RJIL's testing phase and if any testing was required, it could have been done by simulation in laboratory environment.
2. We submit that such submissions are a blatant attempt to mislead the Authority. RJIL is the only service provider to offer Voice over LTE ("VoLTE") services in India and the first in the world to offer VoLTE without any circuit switched fall back at the scale and geography covered.
3. We have already communicated the details of unique challenges and the need of scalable phase wise testing to commence VoLTE services to the Authority in our response to the Consultation Paper and we submit that the same may be treated as part and parcel of this submission.



4. Further, we submit the device related and SINR (signal to noise ratio) related challenges implied that the testing had to be done in live environment and not in laboratory environment. It is pertinent to note that supporters of simulations have not offered any simulation techniques that can meet such challenges. It is easier to pass judgement without venturing into the untested technology and developing end to end eco-systems.

D. Other issues

1. Some of the service providers and COAI have contended the provision of 1 or 2 E1s during the testing phase is sufficient. We submit that this contention is against the TRAI regulation and violates TRAI's position that the provision of POI is an independent and absolute obligation. We are also extracting and reproducing relevant parts of TRAI's response dated 24.05.2017 to DoT's reference back on recommendations dated 21.10.2016 as herein below:

"It must be noted that there is no provision in the license or TRAI Regulation to deny/delay provisioning of POIs during the test phase. On the contrary, the testing cannot be completed unless sufficient POIs are provided."

In view of this, we submit that the service providers should not be allowed to link provision of interconnection with test phase of a network.

2. Service Providers have also represented against providing the facility of MNP to the subscribers to port in or out of a test network. We submit that this is a violation of consumer rights. The whole premise of MNP option to a customer is to empower him to choose a network of his own choice at any time. Thus the denial of MNP to a test network would be in fact an unnecessary restriction on consumer rights and should not be imposed. The Authority may also bear in mind that some of these service providers were against MNP itself at the time of launch of MNP service.
3. Service Providers have also attempted to misinterpret the enabling clauses in the License to build wrong arguments against testing on network and the Authority should ignore such misleading attempts.

