

Counter Comments -Response to the TRAI  
Consultation Paper on Regulation of  
International Mobile Roaming Services' released  
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I would like to make my counter comments on the consultation paper comments received from COAI .

I am a telecom industry veteran of 23 years and have worked in operators across 3 continents. I have been actively involved as a operator delegate and as an ABTO delegate in the consultations in 1997 to 1999 leading to the landmark TRAI Tariff Order 99/3.

***Please find my counter comments in red to the COAI comments/response in blue :-***

***In the preamble there is a claim by COAI that “TSPs have taken various initiatives to help Consumers while roaming internationally “***

Shamik Counter comment

I feel that in actual practice TSP's have not been transparent with respect to international roaming and when asked pointed questions fail to address the points asked and give standard replies which are not relevant to the queries .It may even be alleged by some that certain Indian TSPs try make up their losses due to inefficient management by duping poor Indian customers who do not know about potential data roaming bill shocks and have data roaming auto activated ”

***COAI claims “About the roaming prices and that detailed information is available on TSPs web sites. (Such data is easy to find on the website and provided in a simple and easy to use form).”***

Shamik Counter comment

This is not correct as even the call centre of the respective operator does not have comprehensive idea of the tariffs. I was assured by the call centre of an MNC Mobile operator that there will be no additional international roaming rental if a pack is taken. However roaming rental of INR 99 was also applied with the pack charges. After I asked the Company to check their call centre recording they were forced to retract the rental charged.

My contention is that the websites do not have the information in a user friendly manner and even their own staff at the call centre do not understand the international roaming tariffs.

***COAI claims “ Some TSPs also provide the option to their customers to pre-book IR packs (also available for prepaid customers) covering most traveled countries.”***

Shamik Counter comment

My experience shows despite buying IR packs customers get defrauded as pack benefits are not applied. In my case I had purchased a roaming pack in which a total of 30

minutes local outgoing and all incoming would be free. Though I had 90% of my minutes quota left, I was charged a heavy international roaming rate for a local call to the local Timor Leste Embassy which the operator claimed was a Malaysian number. (That number did not exist in Malaysia). This shows either incompetence or a bug in billing or a intention to defraud customers by the Mobile operator. I am a telecom industry veteran and check my bills, but many gullible customers get defrauded as they do not understand the bill.

**COAI claims** *Temporary cut-offs when limits are exceeded i.e. Temporarily suspending data service when usage exceeds the spending limit*

Shamik Counter comment

My counter comment is that in actual practice prepaid subscribers are given a generic warning which is difficult for the average customer to comprehend and no alerts are given regularly and the customer is usually barred after his entire prepaid balance is wiped out and he is even left with a negative balance after the roaming rental of INR 99 is applied.

In case of postpaid too, the warning is cryptic and difficult to comprehend for the average subscriber as he cannot figure out that even when he has not activated data roaming / not using the internet/app he will still be billed. Alerts are not given and the subscription is not barred even after his credit limit is exceeded. I have seen bills of INR 45,000 for subscribers with credit limit of 25,000. Hence the subscriber needs to be protected,

## **Self Regulation**

**COAI makes a case for self regulation and forbearance**

***Shamik Counter comment***

*My comment is that Self regulation and forbearance was granted by TRAI when there was healthy competition. There is no competition with only 3 private players left and there seems to be a monopolistic cartel between 2 of the players as can be seen by concurrent pricing announcements etc.,*

*My contention is that mobile operators cannot be trusted to self regulate as there are umpteen cases of bills shocks which the Mobile operators refuse to entertain. A simple internet search on various consumer complaint online sites in India will show a large number of complaints against some major mobile operators related to international roaming bill shocks mostly related to data charges.*

**COAI claims** *Also, International Roaming rates are decided based on the commercial conditions and arrangements between the Domestic service providers, International Service Providers and Carriers. In this regard, we would like to submit that Regulator can only regulate the domestic TSPs, while the international component of the Roaming rates cannot be regulated by them. Hence, regulating only one leg of the International rates i.e. Domestic, will disenfranchise the domestic TSPs, who will have cut its margins and will have lesser bargaining power w.r.t its international partner.*

Shamik Counter comment

My counter comment is that international wholesales rates have gone down heavily and the current rates charged by Mobile operators are far higher than costs with a reasonable margin built in. Hence I recommend that TRAI remove forbearance from international roaming charges

***COAI claims We would further like to submit that the Authority has always followed the light touch regulatory regime, in order to offer freedom to design the tariff offerings as per prevailing market conditions, and customer expectations. TSPs have always published their tariff offers in a transparent and simple manner for protecting the interests of consumers.***

Shamik Counter comment

This is not correct as currently there is no competition with only 3 private players and there is potentially a monopolistic cartel formed by 2 of the players. Hence we need to revert to the heavy regulatory approach followed in 1997 to protect interest of consumers. TSPs have not published rates in a transparent and simple manner as they claim and as stated earlier even their call centres are not clear on the rates. Hence due to the lack of competition, preponderance of consumer claims and arrogant TSP nodal officers, TRAI needs to remove forbearance and regulate international roaming tariffs if it wants to protect consumers.

## **Question wise response (counter comments) to the COAI comments is given below:**

**Question 1: Should not the IMR service remain inactive at the time of issue of the sim till the same is activated by the subscriber as a part of the IMR tariff-selection exercise? Please elaborate your submissions.**

**COAI Response: Q1** *We are of the view that instead of knowing the International Roaming status, as active or not, the more important factor for a subscriber is to be aware of the tariff/charges while roaming internationally. Our member operators are committed to ensuring that tariff-related information is easily available to the customers in a transparent manner. While subscribers may or may not be aware regarding the exact amount of charges applicable while international roaming, since it varies from destination to destination, they are certainly aware of the fact that they would be charged at a much higher rate while roaming internationally.*

*2. However, all services including IMR, should be active for pre-paid subscribers, since prepaid subscribers make the advance payment to avail any of the services at any given point of time. Further, considering the currently available tariffs in the market, most of the prepaid subscribers are opting for bundled packs (voice+ data+ SMSs) and have little or*

*no core balance which they can use to avail IMR services. Hence, the issue of Bill shock doesn't apply in the case of prepaid subscribers.*

Shamik counter comment:

Many subscribers are not aware that international roaming is activated and that data roaming charges are applicable even when the customer is dormant/ not surfing the internet/not using apps.

As stated tariff related information is not made available by TSPs in a transparent manner and even their call centre staff/ store staff give different responses. The above comment by COAI is facetious and misleading, Hence international roaming should be self- activated by subscribers either via the website/ app or SMS or by a request from the company representative in case of corporate accounts.

It is a false claim that prepaid subscribers do not get bill shocks due to data roaming/international roaming. The prepaid subscriber recharges by a heavy amount to use his mobile for legitimate purposes and not for inadvertent data roaming charges .

Many prepaid subscribers including myself have faced issues of having their entire prepaid balance wiped out in a few hours after landing due to inadvertent data roaming charges (due to network pinging) even when he/she did not know data roaming was activated and even when data roaming was barred on the handset. This qualifies as a bill shock . In case of prepaid even all incoming is barred and it is impossible to reach a live call centre agent using the IVR of TSPs .Hence the claim by COAI that issue of bill shock does not apply to prepaid subscribers is false.

**Question 2: Should it not be mandatory to communicate the details of activation and applicable tariff immediately by SMS or email on completion of the tariff-selection exercise by the subscriber? Please give your views.**

*COAI Comment 4. Considering the rapid adoption of smartphones and use of data services by the subscribers, we suggest that TSPs can send SMS advice to the subscriber at the time of landing suggesting them to keep the data off in case the subscriber has not opted for any IR pack. This will ensure that subscribers take an informed decision regarding the use of data services. Thus, instead of keeping the IR service inactive, which may create a problem for subscribers as acknowledged by TRAI in para 3.3 of the consultation paper, the focus should be informing the subscribers regarding the charges and advising them regarding the use of data service or IR packs that they can use while roaming internationally.*

*Shamik Counter comment*

Sending SMS advise is not very effective as a TSP send s multiple messages as soon as a person lands and the warning message gets lost in the middle of multiple welcome messages.

It should be mandatory to mention the tariff a customer will be charged on completion of the tariff selection exercise and when a customer reaches a new destination , both at the

time of landing and after every 3 hours on the first day. In case the customer has not activated a pack he should be given the default roaming charges and a toll free method of deactivating data roaming/international roaming .

I feel IR service should be kept inactive if he has not opted in for data roaming as the bill shocks cons outweigh the benefits.

Local MVNO SIMs are available at cheap rates in every country including the USA and Europe in any case which Subscribers can use in case of emergency.

**Question 3: Should not the tariff details and related terms and conditions be communicated to subscribers of IMRservice by SMS and /or email as soon as the phone is switched on in the visiting country by the subscriber. Please elaborate your views.**

*COAI response 5. It is further submitted that presently our members inform the customers all the necessary details such as International Roaming tariff and validity by SMS/e-mail/App at the time the customer gets the IR pack activated or on landing to the foreign destination. We are of the view that this existing process is sufficient and no further regulation is necessary in this regard.*

**Shamik Counter comment**

Here the COAI tries to put the onus on the customer by telling he should decide which data service to use etc, Most travelers do not understand the implications and are not even aware that they will be charged for data due to network ping charges by the TSP even when he is not using data actively i.e surfing/using an app / browsing . Hence data roaming needs to be self activated by a customer after he understands all the implications

It is shocking to see how the COAI feels that warning messages at time of landing are effective as the warning message is hidden between many spam welcome messages. Also all customers do not take roaming packs and those who do are not even correctly told the details like if roaming rental will be applicable additionally like I myself found out.

**Question 4: Please give your views on the significant differences in tariffs for IMR Service under Standard Rates and IR Packs. Furthermore, your views are solicited as to how these two rates can be rationalized.**

*COAI Response:*

*1. The tariffs for International Mobile Roaming (IMR) services depend upon many factors such as traffic flow, revenue flow, extent and nature of wholesale rates, type of service, termination rates, Wi-Fi, OTT, local SIM use etc. Any rationalization or intervention in respect of IMR will have to consider all these aspects apart from the fact there are bilateral contracts which if modified due to interventions will lead to unanticipated consequences.*

2. There are significant number of customers who subscribe to Standard Rates, even where IR packs are available since standard rates are relevant for such low users who are happy to use SMS or occasionally voice calls.

3. Standard rates and IR packs are two different constructs and have different commercial relevance and use. While Standard Rates are on pay as you go basis, IR packs are linked to a tenure with certain conditions. The IR Packs have been introduced recently led by data growth in mobile. It may not be correct to assume that Standard Rates are that high so that a customer can be threatened of Bill Shock Trap. If one has a Wi-Fi or foreign connection abroad then that roamer will not use Indian SIM for data. At best it will be used for SMS based transactions for which one will take Standard Rates. Similarly, a family travelling may take IR Pack for one member but remaining will be on Standard Rates, with data services on roaming deactivated.

4. In case of any packs, be an IR pack or even the local/national level STVs/packs, the actual realized rates in packs will be higher than the offered rates and hence the comparison of any pack with the standard (base) tariff may not be correct.

5. In view of the above, we submit that the standard rates and IR pack rates are designed keeping in view of various customer's requirements and any comparison on the offered rates under these two categories is unwarranted.

#### *Shamik Counter comment*

*While I agree that packs and standard rates are different categories, I feel there should be tariff reporting requirement and forbearance should be removed to avoid customers from getting overcharged on standard rates.*

**Question 5: Should not the IR packs apply automatically the moment subscriber's expenses on IMR Services exceed the corresponding daily IR Pack rate unconditionally for all the countries for which the service provider is offering IR Packs?**

COAI Response:

1. We are of the view that this should be left to the market forces and self-regulation. Some of our member TSPs has implemented this concept wherein if a subscriber's expense on IMR service exceeds the corresponding daily IR pack for all the countries, wherever daily IR packs are available, then that daily IR pack gets applicable automatically.

2. Protection of consumers from any Bill shock is of paramount importance for the TSPs and each TSP has devised its own mechanism to ensure that its subscriber take informed decision and get best value of their money. While, methods to offer the subscription of IR packs may be different for the TSPs, however as long as these

*methods serves the subscribers and protect them from any Bill shock, then, we are of the view that no regulatory mandate should be prescribed.*

#### Shamik Countercomment

*In case of some operators the IR pack applies automatically the moment subscriber's expenses on IMR Services exceed the corresponding daily IR Pack rate*

*However at least one TSP which has several bill shock complaints against it in various consumer protection websites does not follow this practice and it is clear that currently leaving TSPs to decide their own mechanism is not working to protect consumers. Hence it is essential to make it mandatory to apply IR packs automatically the moment subscriber's expenses on IMR Services exceed the corresponding daily IR Pack rate unconditionally for all the countries for which the service provider is offering IR Packs. Due to less competition, market forces are weak and self regulation is not working.*

**Question 6 and Question 7: No counter comments** to COAI

**Question 8: In consumer interest why it should not be mandated for the service providers to send updates in respect of the data usage exceeding certain pre-established milestones such as 50%, 80%, 90% and 100% of the data entitlement? Please give your views.**

*COAI Response:*

*4. We are of the view that there should not be any mandatory provision w.r.t sending updates in respect of the data usage exceeding certain pre-established milestones. It should be left to the TSPs to self-regulate and send the updates in respect of data usage on exceeding certain milestones defined by them.*

#### Counter comment Shamik

*It should be made mandatory as TSP's can not be trusted to self regulate as they have been taking advantages of loopholes like no requirement to activate data roaming etc to overcharge gullible consumers. TSPs can claim that SMS could not be sent due to technical reasons etc hence it should be made mandatory to not only send SMS messages to the registered mobile number but also emails to the registered email ID .*

**Question 9: Will it not be advisable to mandate the TSPs to inform the subscriber by SMS every time the subscriber lands in a country/area not covered by the IR Pack subscribed, of the fact of roaming in an uncovered zone, and the tariffs**

**applicable thereto? Would the aforesaid requirement suffice or whether alongside this, the TSPs be mandated to keep the mobile data in the inactive mode and activate only in accordance with the directions of the subscriber? Are there any other measures that can be taken to cover the situation as detailed?**

COAI Response:

1. As per extant provisions as mentioned in Para 2.17 of the consultation paper, our member operators do inform/advise the subscribers, immediately after the subscriber roams outside the territory of India, to deactivate the data services on his mobile phone if he does not intend to use data services while roaming outside the country. Hence, informing the subscribers regarding unavailability of IR packs of a country once the subscriber lands into that country can be explored.
2. Some of our members are already informing the subscribers through SMS regarding the unavailability of their IR packs for that country. Hence, we are of the view that this can be implemented by all the TSPs. The said option would be easier for the subscribers to understand and take informed decisions rather than mandating the TSPs to keep the data service inactive.

**Shamik Counter comment**

**IR should be kept inactive unless subscriber himself requests IR activation. On landing in new countries, subscribers should be informed about unavailability of IR packs not only by SMS but by email to their registered email ID and if possible by Whatsapp as well. Warning SMS get lost as TSPs send a huge number of welcome messages.**

**Question 10: What are your views on the measures suggested in para 3.20 to protect the consumer from bill shocks dues to usage of services beyond the pack entitlements? Please provide your views on each of the above measure and suggest additional measures, which in your opinion can be helpful in addressing the issue.**

COAI Response:

2. In case of voice/SMS services, many times, real-time updates regarding the usage may not be available with the TSPs and hence barring the voice and SMS services after subscriber consumes 100% of voice/SMS quota from the IR pack would be difficult for the TSPs. Also, in case of voice, blocking of voice services post-pack quota is not required since many times customers just need to talk for few minutes even knowing that they have finished the voice usage quota of their pack. Barring the voice service will lead to dissatisfaction of the subscribers. Further, TSPs facilitate the subscribers regarding their used quota and available quota through their apps and the same can be referred by the subscribers.

3. Regarding suggestion given at point (b) of para 3.21, we are of the view that due to the reconciliation process which takes more than 24 hours and in some cases days, it would be difficult for the TSPs to do the capping at the time the subscriber reaches its credit limit. Hence, the implementation of this suggestion may not be feasible.

4. Regarding suggestion given at point (c) of para 3.21, please refer our response to Q5.

### Shamik Countercomment

I agree real time barring of Voice/SMS is not possible. However the TSPs should facilitate usage details by the following:-

- a) Send SMS / email alerts for data usage
- b) Quota availability should be accessed by both website and app. The apps created by TSPs currently have a very poor UI/UX, consume heavy data, occupy a large amount of space and take a long time to load. Lite version of the App should be made available to roaming subscribers and website access should also be made available as many consumers do not have space for additional apps on their phones and some apps work only on specific operating systems
- c) I agree with TRAI on 3.2.1 point (b). Even though reconciliation will take several days, the TSP can ask the partner operator to send abnormal usage reports and set algorithms to bar usage at credit limit levels. However practically speaking this will require system development and may not be immediately possible. However 3.2.1 point (b) may be revisited in the future.  
In the interim Consent may be taken from Subscribers requesting IR for paying more than their credit limit if the IR bill is high. This will ensure that customers are sensitized.

- d) 3.2.1 point (c) as proposed by the TRAI is doable and recommended. Applying another IR pack after benefits of the first pack are over is a tariffing decision and depends on billing policy. The partner operator will only provide the details of usage and CDRs and charge the Indian TSP at the wholesale rate. It is the privilege of the Indian TSP to bill the subscriber at another IR pack level if the standard usage rates crosses the first IR pack charge threshold.  
TSP's can not be trusted to self regulate and market forces are extremely weak at the current juncture.

**Question 11: Any other issue relevant to the subject discussed in the consultation paper may be highlighted.**

COAI Response: No Comments

### Shamik Counter comments

It may be noted that competition is very weak at the current juncture. The financial position of some TSPs is also weak probably due to inefficiencies in management. However they have been putting the blame on disruptive pricing by a new operator.

The actual fact is that telecom tariffs in India have been increasing and consumer friendly benefits like Life time valid recharges , full talk time recharges , lifetime validity have all ended.

Data rates in India are cheap but quality of service and speeds are extremely low as well due to high contention ratios being applied.

Price is relative to quality so Indian data rates are not the cheapest in terms of value for money.

Hence the lowest data rates in the world are from Israel and certainly not from India if Qos is factored in. Competition has fallen drastically from 2011 when had upto 14 operators/Quasi MVNOs operating to only 3 private players now.

To avoid a monopolistic cartel it is essential to regulate international roaming prices along with other prices and self regulation and forbearance is not working any longer.

I personally have worked in the roaming function for a large telecom operator but still have been a victim of fraudulent international roaming charges by an MNC Mobile service provider.

I do not work for any Indian telecom operator now and I respond as a concerned consumer who has been affected by the bills shocks due to fraudulent international roaming billing by certain TSPs and have seen my friends / senior citizens/Indian students abroad being charged heavy international roaming bills due to no fault of their own.

Despite having my data roaming switched off and my Indian SIM on the SIM2 (GSM only) slot of my J2 Samsung mobile , I was charged heavily for data roaming which the operator fraudulently explained as being "inadvertent network usage charge" which I knew was technically impossible as the SIM was in a GSM only slot with mobile data switched off.

I had my incoming barred by the operator on my prepaid account once the amount was crossed due to the fraudulent data roaming charges and as I was not given any warning and missed out on an important opportunity causing me heavily losses.

Even after buying a international Roaming pack in a subsequent trip, I was charged heavily for making a international call from Indonesia though I had called a local Indonesian number of the Timor Leste Embassy in Indonesia. I was told by the MNC Indian operator that it was a Malaysian number and the operator was forced to refund as that number was nonexistent in Malaysia.

The same MNC Mobile service provider has many victims who have been charged heavy bills due to international data roaming and many senior citizens have paid up as they do not understand the international roaming billing like I do.

It is thus important to heavily regulate the International roaming tariffs as certain TSP's are taking advantage of forbearance and self regulating to defraud customers.

***Another important learning from my own experience is that the international roaming billing of TSP's needs to be audited periodically by DOT and TRAI.***

It appears that while on international roaming using this particular Indian TSP's SIM, if you call a local domestic number direct without any IDD prefix ,it is treated as an international call and billed highly. In case the IDD code is prefixed then the billing system identifies it as either a local or an international call and charges appropriately. This is a billing bug

and operators should be audited on the same .In the interim such TSP's should warn subscribers to use the IDD prefix will making calls during international roaming.

The final direction by the honourable authority should take these above learnings into consideration.