

31st August 2012

Robert J. Ravi
Advisor (CI & QOS)
Telecom Regulatory Authority of India
Mahanagar Door Sanchar Bhavan
Jawaharlal Nehru Marg (Old Minto Rd.)
New Delhi – 110002, India

Sub: ValueFirst response to Consultation Paper No. 13/2012 on review of The Telecom Commercial Customer Preference Regulations, 2010 dated 3rd August 2012

Dear Sir,

We are pleased to provide our response to the Consultation Paper No. 13/2012 on review of The Telecom Commercial Customer Preference Regulations, 2010 dated 3rd August 2012.

At the outset we would like to place on record our appreciation of the Authority's effort in controlling the spam in the country. We concur with the views of the Authority that the menace of spam in the country has reduced significantly post the regulation going live and through its ongoing implementation. As a key participant in this industry, ValueFirst remains committed in providing continued support and effort to the Authority towards the objective of reducing unsolicited commercial communication.

Our response to the issues for consultation:

1. What are your views on the proposal of blocking the delivery of SMS from the source or number or entity sending more than a specified number of promotional SMS per hour with similar signatures as proposed?

Given the success of this approach in controlling spam through the international route, it is likely that replicating this at local/domestic SMSCs may help. However in our view only Access Providers can comment on the overhead it may introduce in the network. This may potentially have a negative QoS issue.

What we would like the Authority to ensure is that these checks are not introduced on the A2P platforms as all the A2P resources in the country are issued to the registered telemarketers. These proposed checks should only be introduced into the P2P SMSCs to prevent unregistered telemarketers from using SIM based modem farms to target NCPR registered consumers.

Further, 10 digit VMN (Virtual Mobile Numbers) [as](#) used by registered telemarketers [for the TRAI exempted companies like facebook, google etc.](#) should be exempt from these checks.

2. What should be the limit on the number of SMS per hour to be specified in this regard? Please give your views along with reasons thereof.

Instead of limiting the number of SMS per hour, the Authority must look into finding ways that the unregistered telemarketers are not able to secure SIMs in large quantities.

It is our understanding that for a SIM in a good modem, the outer limit of throughput is around 15 messages per minute, meaning about 900 messages an hour. It is also our understanding that several Machine-to-Machine (M2M) applications (metering services, tracking applications, etc.) rely on SIM based devices that are generating the same signature (e.g. health check messages) and hence such genuine services could get impacted if an arbitrary number of SMS per hour limit is imposed.

3. Please give your comments on the proposal to mandate the telecom service providers to obtain an undertaking/agreement from registered telemarketers and other transactional entities that in case they want to outsource promotional activities to a third party, they will engage only a registered telemarketer for such promotional activities. What are the other options available to control such activities? Please give your views along with reasons thereof?

A telemarketer has multiple end customers. Although difficult to hazard a guess, but we believe this number to be between 100,000 to 200,000 companies in India. (Our own data is that as ValueFirst we service over 4000 corporates directly and through our resellers we service maybe another 10,000 companies). We need to bear in mind that the Access Providers do not have any relationship with the customer of telemarketers.

The good thing anyway is that all registered telemarketers are following the TCCCP regulations. If a registered telemarketer takes a telecom resource, then by the nature of its contracts and technical integration with Access Providers, they follow the regulatory guidelines. Hence all the end customers of a registered telemarketer are automatically covered under the regulation.

An unregistered telemarketer (in the context of SMS) cannot take a A2P resource from Access Provider but could take SIMs and engage in practices which are against the TCCCP regulations. So the way to address the issue could be to control this aspect. We suspect that Access Providers are aware of the use of such SIMs when procured in bulk by unregistered telemarketers.

- 4. Please give your comments along with reasons thereof on the proposal to disconnect telecom resources after ten violations, of entities for whom the promotion is being carried out? Also indicate whether ten violations proposed is acceptable or needs a change. Justify the same?**

The entities, which engage in promotional activity may or may not use their own telecom resource in their promotional campaign. For example an entity may use a SIM based unregistered telemarketer but in the content of the campaign instead of putting their own telecom resources they may specify a ShortCode or a VMN of a registered telemarketer. This proposal may then impact the resources of a registered telemarketer instead of being a penalty for the flouting entity. So the guilty could escape and the penalty could get imposed on an unrelated party. There isare also a possibilityies that a telemarketer one may mention resources of its competition in its promotional their SMS to get the resources disconnected of the competitionto harm them.

- 5. What additional framework may be adopted to restrict such subscribers or entities from sending UCC, other than the one proposed above?**

SIM based unregistered telemarketers have an unfair commercial advantage – they are not subjected to a 5paise IUC on promotional messages. Hence they are able to secure business over the regulation compliant registered telemarketers. If this commercial advantage is removed, unfair business practices will reduce.

Also if it is mandated that all promotional activities be done only through a registered telemarketer and this is well publicised, entities would gradually shift there business to registered telemarketers.

- 6. What are your views on the time frame for implementation of the facility for lodging UCC related complaints on the website of service providers? Please give your comments with justification.**

We have no comments regarding this, as it is a Service Provider/Access Provider issue.

- 7. Do you propose any other framework for registering UCC complaint for easy and effective lodging of complaints?**

The proposed framework on lodging of UCC complaints looks OK.

If any additional clarification is required, please feel free to contact the undersigned.

Yours truly,

Vishwadeep Bajaj
Managing Director
ValueFirst Digital Media (P) Limited
Email: vish.bajaj@vfirst.com

Mobile: +919810704222