

VIL's Response to the TRAI Consultation Paper on 'Review of the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2006' dated September 01, 2020

At the outset, we are thankful to TRAI for giving us this opportunity to provide our comments to the TRAI Consultation Paper on 'Review of the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2006'.

We provide below our responses for the Authority's consideration:

Q.1: What changes are suggested in the sampling methodology in order to make it more representative of the post-paid and prepaid user segments or different types of tariff plans? Should the full spectrum of tariff plans be subject to audit? What considerations are required to be taken to address the issues or concerns related to the incidences of wrong charging specially in case of data packs, STVs, multiple tariff packs at a time, etc.? Please give your views with detailed justification.

We submit that the existing sampling methodology is sufficient to identify the issues or concerns related to the incidences of wrong charging and hence no changes are required in the existing sampling methodology.

With the rapid changing market competition, the tariff offers are more dynamic in nature, and currently provide offers which are unlimited in nature. Moreover, with the introduction of more and more unlimited packs/plans, the relevance of audit becomes relatively less, in the absence of such metered calls/SMS/data in the billing system. Hence we suggest the Authority to review the Audits in view of the changing market scenario.

Meanwhile, we suggest that the sample data of the Auditors should comprise of only the top five most popular tariff offers instead of choosing from plans/pack from each category. This will ensure the purpose of the Audit remains intact while making the audit procedure simpler and the said process will also be in line with the current market dynamics of tariff offerings.

Further, we would also like to submit that regarding the concerns related to the incidences of wrong charging in case of data packs, STVs, multiple tariff packs etc, we have various internal checks and balances in place to ensure the correct configuration of tariffs which includes internal testing of tariff configuration before it is launched in the market which has minimized the instances of wrong charging. In case if any such error still occurs, immediate proactive corrective measures are taken and refunds are made to all affected customers with appropriate and transparent communication to the affected customers.

In view of the above, we suggest that there is no need to have a full spectrum of tariff plans to be subjected to audit and the auditors should choose the top 5 tariff offers only i.e. data packs, STVs, multiple tariff packs at a time, etc. of the quarter and conduct their audits.

Q.2: How IT tools and new technologies can be used to adopt preventive and proactive ways to avoid occurrences of error in charging or wrong configurations leading to charging? Whether the IT capabilities of other systems available with the service provider may be made available to the auditor for audit purposes? How such tools developed for rigorous testing before launch of new tariff plans can also be used for audit purposes? Please give your views with detailed justification.

We submit that the IT systems and the various IT tools used by different service providers are customized as per their own requirements, be it for pre-paid/post-paid billings or the configuration of the tariffs. Apart from the same, the different IT tools are also used for modeling and calculation of the tariff benefits which can be offered under a particular MRP, hence sharing of our IT tools with the auditors is not appropriate and hence we suggest that the IT tools used by us and the tools used by the auditor should be completely different as the similar IT tools might give similar results and might not be able to detect the error in Metering and Billing systems hence defeating the maker & checker process.

In view of the above, we suggest that the tools being used by the auditors may be standardized across all the auditors who conduct the M&B audit for the service providers.

Q.3: With the evolution of new technologies and mediums to provide information related to terms and conditions, tariff details to the customers at the time of subscriptions or making it available as and when required by the customers, what changes are required to assess the delivery of information in timely and appropriate manner to the customer? Please give your views with detailed justification.

AND

Q.4: What IT-enabled measures need to be considered to ensure consistency of the tariff information across the different channels or mediums? Please give your views with detailed justification.

We would like to state that with the issue of the new tariff directions relating to publication/Advertisement of tariffs, it has already been directed by the Authority to ensure consistency of the tariff information across the different channels or mediums, which is already being followed.

Further, when a customer is enrolled on our network, the complete tariff information i.e. applicable rates and terms and conditions, is provided to the customers through various modes such as through SMS/app post subscription of the plan by him.

We would also like to submit that during sales and marketing of the product, various channels like website portal, mobile apps, publications, direct sales outlet points, online e-recharge platforms like Paytm etc. are used to reach out to end-users.

Moreover, we suggest that since now there are more and more Digital Platforms provided to the customer, hence, as a step towards a paperless process, the hard copy e-bill and the welcome letter should not be made mandatory by the Authority.

The Authority should continue to ensure that the tariffs are offered with complete transparency and disclosure of all the important information, and hence there should not be any mandatory provision for providing the tariff related information or any other information as per the regulations, directions and orders issued by the Authority through hard copy.

The importance of the digital platforms has been understood in the current Covid-19 pandemic scenario, wherein the delivery of the hard copy bill was affected leading to inconvenience to the customers as well.

Q.5: What changes are suggested in handling of billing complaints? Whether defining what constitutes billing complaint may help in bringing uniformity? Whether higher frequency of audit of complaint handling would help in improving effectiveness of complaint redressal mechanism? Please give your views with detailed justification.

We submit that since the billing complaints are already a part of QoS quarterly reporting with a stringent benchmark of 0.1%, which is working effectively, there is no further requirement to define the billing complaints, hence no such changes are suggested for handling of billing complaints.

Further, an increase in the frequency of audit of complaint handling, will not help in improving effectiveness of complaint redressal mechanism, as this is just a perception, since the existing Regulation lays down a very comprehensive and elaborate process for consumer grievance redressal, which has been put in place by every service provider as per the provisions of Regulation and monitoring, reporting, compliance, enforcement are all taking place as per the requirements laid down by the Authority. On the contrary, the Authority may reduce the vast categories in the billing complaints to make the audit process simpler and effective.

Thus, we are of the view that the guidelines of complaint handling as mentioned under 'Code of Practice for Metering and Billing Accuracy Regulations, 2006, are comprehensive enough to deal with the issues related to billing complaints.

Q.6: To conduct special or peer audit, where old records might be required to carry out the audit, what may be prescribed to ensure that the relevant details are maintained for a sufficiently long period, and made available to the auditor in a timely manner for conducting the audit? Please give your views with detailed justification

The special or peer audit conducted, is for a quite old time period i.e. more than one year old as compared for the audit conducted under Metering and Billing regulation which does not involve old data and hence, maintaining such old data would rather block the capacity for logs to be maintained and thus retrieved, hence the period needs to be specified by the Authority.

While, the regular audit conducted vide the Metering & Billing regulation does not involve such old data to be maintained, the peer audit or special audits are not a regular exercise but the period selection by TRAI for these special audits are more than a year old, as such there are many challenges being faced in such audits, since the retrieval for some items becomes difficult. Although, we ensure that all the relevant information is provided to the regular metering and billing auditors within the stipulated timeline, it is not feasible, and should not be desirable, that the entire information should be kept for certain period to support any such future special audits. Moreover there should be standardized process defining the process, checkpoints and period of audits being conducted.

The billing and metering audit is done only by those auditors which are empanelled by TRAI and under the TRAI's own regulation. Also it is conducted as per clear checklist and code of practice issued by TRAI. Therefore, at the outset, there should not be any special audit of an audit already conducted under TRAI's regulation. There is no provision under the metering and billing regulation vide which this audit can be conducted.

We are of the view that TSPs can, at best, store and provide the CDRs for the special audit and other records e.g. bills pdf, published tariff details etc. may not be feasible to store beyond the period of regular audits, since the availability of this data is not in a structured way and imposes an undue cost burden on TSPs.

Q.7: Should the Regulation 6C, Regulation 6D and Regulation 6E of the regulations dealing with consequence for failure of the service providers to submit audit report and action taken report, consequence for failure of the service providers to refund overcharged amounts to customers and consequence for failure to provide comments on audit observations in the Action taken report respectively be retained as it is or they need to be altered/strengthened. Please support your views with rationale.

We submit that the financial disincentives should not be levied as a consequence for failure of the service providers to submit audit report and action taken report within the timelines, as it is our utmost priority to ensure the compliance of various reporting requirements to TRAI along with the compliance to the various provisions of the TRAI Regulations/Orders/Directions.

In the event that the Authority seeks to continue with the financial disincentive approach, we believe that a graded approach within the present framework, may be desirable.

Further the Authority may also review the existing timelines for submission of the audit report and the action taken report as most of the times we require additional time to retrieve some CDRs in cases of refunds, wherein in some scenarios the subscribers may have deactivated/churned.

As per the Clause 6A (3) of Metering and Billing Regulation, on verification of an overcharging incidence, the refund to the customers has to be given within 2 months which states that “if the auditor notices the instance of overcharging, he shall report the instance of overcharging to the service provider, who shall, within fifteen days of receipt of such report, conduct an analysis to verify whether the observation of the auditor is correct and in case, the observation of the auditor is found to be correct, the amount overcharged from the customers shall be refunded to such customers within two months of the receipt of the report”.

Further, as per revised regulation, in case refund is not made within 2 months, a financial disincentive equivalent to the refund amount may be levied by TRAI.

The two months’ timeframe as defined by TRAI for refund of excess amount charged is inclusive of 15 days TAT for investigation/analysis of auditor’s observations. Further, this timeframe also includes the time consumed in implementing required correction in the system. At times the solution required to fix overcharging incidents are complex and take significant time.

In cases where service providers need to check the CDRs for the previous quarters for the audit period, the time period of 2 months is not sufficient as the CDRs need to be extracted, investigated and root cause analysis needs to be done to assess whether any refunds are payable for previous quarters. The reason for the same is that the CDRs are live in the system of the TSPs for the quarter for which observation was made by the Auditor and hence refund can be processed within 2 months’ time. However, for any period prior to the quarter, the CDRs are usually archived and therefore, much more time is required to extract the relevant CDRs, to run the query in the system, identify impacted customer base and process the refund, hence it is suggested that a time period of at least 4- 6 months may be a sufficient timeframe, since, to restore past usage records and computation thereof, requires time.

Hence, we suggest the Authority to kindly consider increasing the timelines prescribed under Regulation 6A for Audit report submission, ATR submission, and refund of the overcharge

amount. Also, in case of failure to meet the prescribed timeline in some exceptional cases, TRAI is requested to consider the graded financial disincentives.

Q.8: Any other issues which are relevant to this subject.

We submit that there should be reduction in the number of audits being conducted, as these occupy a considerable number of our resources in this process.

We request that a revised framework may be proposed by the Authority and finalized in consultation with all stakeholders, accordingly we also request the Authority to share the draft Regulation before the final Regulation is issued.