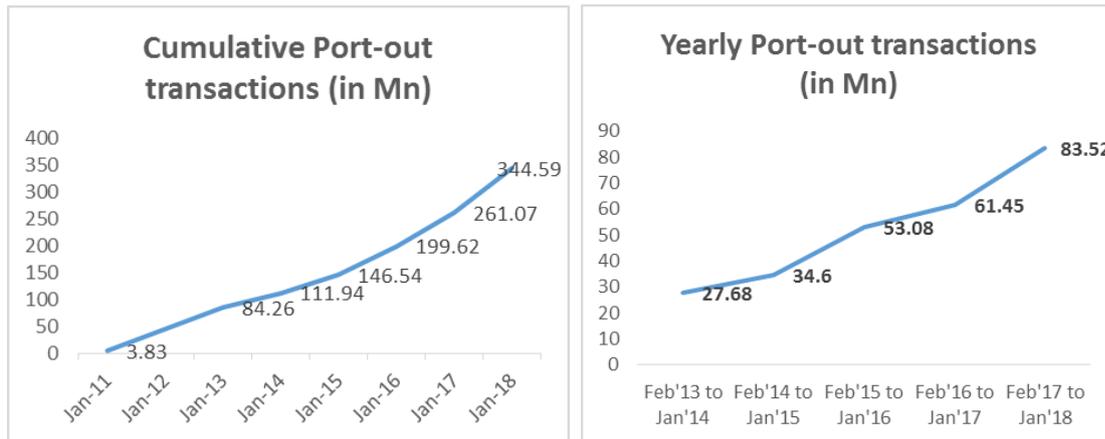


Vodafone Comments to TRAI Consultation Paper on Review of Mobile Number Portability (MNP) process dated 06.04.2018

Executive Summary:

- We submit that this is an important consultation requiring a comprehensive assessment of the present situation.
- Since, the inception of MNP there have been crores of MNP transactions, which number is increasing constantly, as shown in charts below:



- The scale of porting transactions, the underlying processes/constraints determining the porting time, the stability of the current processes even in extremely abnormal situations like closure of networks and the capability of the current systems to adapt to cater to consumer's interest and the overall success of the current process, as declared by the government and the regulator on various occasions, are all important considerations which cannot be ignored. Therefore, there is no failure which is requiring any intrinsic or substantive change in the porting process.
- The consumer interest and choice are fundamental issues and the consumer must have adequate opportunity to exercise the right choice and not be misled or forced to make instantaneous decisions. It should be informed decision by consumer considering all the factors, which also include his/her decision to port-out or not to port-out within a reasonable time of his generating the UPC request and/or him/her initiating porting request. In our view, the current process provides for adequate choice to consumers, which choice is getting removed in the process proposed by TRAI. In fact, the current process with minor additions could result into more consumer satisfaction. For example, SMS based porting withdrawal process results in recent pilot in Mumbai show that there are many cases of withdrawal of porting requests being exercised by consumers.
- The process must also ensure a level playing field to all the service providers. The current process meets this criteria. Thus, a change which denies such consumer choice or leads to a non-level playing field will not meet the basic principles.

Preamble:

There are five issues observed in present porting process in the consultation paper. Our submissions on these observations are as follows:

1. Issues in generation/ delivery and validation of Unique Porting Code

We are in agreement that generation and delivery of UPC to the subscriber intending to port is the basic requirement.

The concern of non-delivery or delay in receipt of UPC by subscriber is mentioned in the consultation paper. We respectfully submit that we do not agree with the statement in the consultation paper that *"On various occasions it has come to notice that UPCs are not issued to the subscribers by DO whereas the charges for the SMS are deducted from the subscriber's account."* There are millions of UPCs being delivered successfully through automated processes. The technical issues, if at all, will be very rare. Even some very rare complaints, which have been given to us by TRAI, show that the UPCs have been sent but not received due to issues like consumer already ported out, handset setting issues. Therefore, this is not an issue at all and thus, it cannot be attributed as a reason for change in process.

We respectfully submit that the TRAI's draft MNP regulations (7th amendment) dated 16.08.2017 (which is as recent as 8 months) did not even mention about UPC non-delivery or delay in delivery as a concern. Therefore, this consultation paper in this respect is inconsistent with the factual position.

The chances of manual error by subscriber while communicating/entering UPC as mentioned in the consultation paper, will be same in the proposed process as that in the current process. Consumer needs to know about such mismatch within a reasonable time and he should not be kept waiting for a period of say four days. We only submit that this concern can be addressed within the current process by rearranging the batch processing.

We respectfully submit that the instances of closure of services of some operators were extremely exceptional and the root cause of the problem was that such operators closed their networks denying connectivity to the consumers for even sending SMS for generating UPC. This cause is independent of the MNP process. Despite that we had voluntarily provided solutions like ICR to enable consumers of one of such TSP to get connected for UPC generation and port-out to any network of their choice.

In respect of UPC mismatch and UPC invalid/expiry cases, we submit that these are two different sets. As regard to UPC mismatch, we reiterate that so long the UPC code is to be manually fed in the PoS system, there will always be some chances of mismatch irrespective whether UPC is generated by DO or MCH. This issue cannot get addressed even under the proposed process.

As regard UPC invalid/expiry cases, we submit that these cases are very nominal due to reasonable time frame given for port-out as per the current process. In case the time frame are shortened for any reason, these UPC invalid/expiry cases will increase substantively.

The percentage of UPC mismatch & invalid/expired UPC is given in consultation paper as 40% of total rejections of porting requests. We respectfully submit that such instances over total porting requests are very nominal i.e. only 5% in our case, which shows that this is not a major cause for any substantive process change.

For the reasons stated above, we submit that the issues in generation /delivery and validation of UPC as mentioned in the consultation paper are neither substantive nor material nor linked with MNP process and concerns like UPC non-delivery or delay in delivery are unfounded.

2. Rejections of porting requests

The rejections of porting requests can be done on the valid grounds. The current process gives opportunity to consumer to reconsider his decision at any time between generation of UPC request and initiating porting request and also thereafter within a window of 24 hours. We submit that in this regard, the current process has rightfully put obligations on both DO and RO but the corresponding deterrents for not following the process is only on DO. For a fair level playing field to all operators, we

have been submitting that in case of withdrawal of porting request, the RO enters into shoes of DO and therefore, there should be some deterrent on RO for not following the process. We had shared the processes enabling withdrawal request (including SMS based withdrawal process), which is necessitated due to the consumer's choice to remain with DO. Thus, we submit that the current process should be fine-tuned to allow this valid consumer choice, within a reasonable time. This will address the key concern being faced by the consumers.

In regard to issues like 'Age on network for less than 90 days' including issues of prepaid to postpaid migration or vice versa and mobile numbers having facilities like CUG being rejected on contractual obligations ground, while we fully agree with TRAI that such reasons are not valid reasons, we respectfully submit that the proposed process in the consultation paper is not addressing these issues.

In regard to concern raised in clause 2.13, we submit that there was concern against one RO, which it seems has now been addressed. Further, the proposed process in the consultation paper does not address this aspect.

Kindly note that the porting process is common for both prepaid and postpaid subscribers, without disclosing the identity till the port-out request stage that whether the consumer is a prepaid or a postpaid consumer. The grounds of rejections in postpaid are more. At the same time, the number of postpaid connections are only 3 to 4% and MNP cases of postpaid are much lower compared to prepaid. Thus, any major process change for an exceptional reason mentioned in clause 2.12 (a) and that too which is applicable to some cases of postpaid subscribers, is not required. We submit that TRAI should continue to take steps either under the current process or through compliance to ensure that any such exceptional case does not happen.

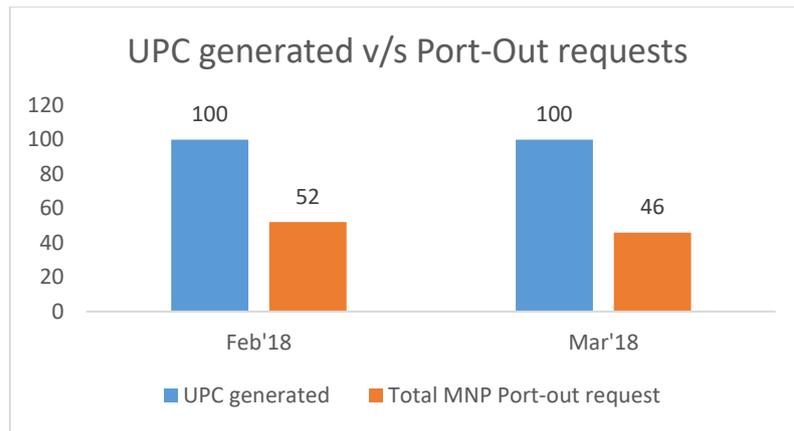
For the reasons stated above, we submit that rejections of porting requests as mentioned in clause 2.12 of the consultation paper are not linked with the proposed MNP process.

3. Communication to the subscriber

Consumer's satisfaction and his faith in the MNP process is of utmost importance. The current process, which has successfully ensured porting of more than 34 crores subscribers till January 2018, shows that the process overall has consumers' trust and meets their requirements.

We agree that, to the extent possible, the consumer should be given timely communication on the status of request for porting. For instance, in case of age on network where consumer is not eligible even during the entire 15 day UPC validity (like age on network is 72 days on the date of UPC request), the same should be informed within few hours of receipt of UPC request. This information today is available to consumer only after he gets UPC and thereafter generating porting request through RO. This means today, the consumer has to take new connection from RO and then he will know his ineligibility on the ground of age on network.

The time taken for intimation of rejection to the consumer is a factor of technical and regulatory issues like KYC. It also is a factor of the consumer gathering information regarding the services of other operators to exercise his/her choice to port-out to some other operator or to remain with the current operator. We reiterate that an assumption that a request for UPC is a request to instantaneously port out to another operator, is a wrong assumption. It may be noted that there are very high number of cases where the consumer chooses to remain back with the same operator even after generation of UPC request and does not even raise a porting request. The Porting requests are only 50% of the UPC requests, as seen from the following chart:



(Vodafone figures in %)

Even where porting request is made, it is submitted that within the given window of 24 hours, the consumer has a right to withdraw the porting request and there are many such cases.

The assumption that the technical checks on the grounds enunciated for rejection of porting and KYC can be done instantaneously would not be correct. Apart from other issues, the checks on grounds like matter is sub-judice and prohibited by a court of law requires probing which is time consuming. These checks and corresponding timelines would, in any case, be required even in the process proposed under the consultation paper.

4. Withdrawal of Porting Request

The consumer has a choice to select a new operator or to remain with the existing operator. This is fundamental right of the consumer. A reasonable period is therefore necessary after generation of port out request to consider withdrawal.

The consultation paper acknowledges the above and states that the subscriber is entitled to withdraw the porting request within twenty four hours of making the request, by informing the RO in writing. It also acknowledges that the action of cancelling the porting request has to be initiated by the RO and the DO is not permitted to entertain such withdrawal requests, however, practically it looks lucrative on the part of RO to not to process the withdrawal request, since RO is interested in acquiring the new subscriber. It mentions that it has been reported that in many cases, the RO does not take any action on such requests even if the request is received well in time.

It implies from the above that with consumer being entitled to withdraw the porting request, RO should act upon valid request from consumer. The current regulations make it obligatory on RO but it does not provide any monitoring/deterrent when RO is not following the process. Further, the regulation mentions that withdrawal request should be given in writing. We have shared detailed processes on such request being made by consumer through email (in writing), which was being followed, and in the alternative through a SMS based transparent process, which is presently being implemented and is at pilot stage. However, we find no mention of these important issues in the consultation paper.

The consultation paper, on the contrary, mentions that as per the information collected by TRAI, it appears that only few operators forward such withdrawal requests and rest of the operators process negligible number of withdrawal requests, with a proposition in clause 2.55 that there may not be need of withdrawal request.

We respectfully submit that TRAI's proposition is contradictory to its own position that consumer is entitled to withdraw porting request. It is also incorrect to assume that it is only informed subscriber who is actually interested in porting his mobile number shall initiate porting request. The facts show a completely different picture.

We have recently done pilot of a consumer friendly SMS based withdrawal process for porting requests, with one TSP (TSP-A) in Mumbai service area. Results of this pilot are encouraging and lot of consumers are actually withdrawing their porting requests. In April'2018 month itself, more than 4000 withdrawal requests have been raised by consumers of Vodafone and TSP-A in Mumbai service area only. These withdrawal requests are approx. 3% of total successful port-in for Vodafone and the TSP-A, pan India implementation by all TSPs would mean almost 1.4 lakh consumers per month exercising their right of withdrawal of porting requests.

The proposed process in consultation paper is compressing the time period from the time of generation of UPC request to port out, ignoring that consumer has right to explore all the options. We reiterate that assumption that a request for UPC is a request to instantaneously port out to another operator, is a wrong assumption. It may be noted that there are very high number of cases where the consumer chooses to remain back with the same operator even after generation of UPC request and not even raising a porting request. **Thus a two stage process i.e. from request for UPC generation till port out request and from that stage to actual port out, with a reasonable window in each stage for proper consideration by consumer is critical.**

The cooling period has to be given to the consumer to think about the options. If such cooling period is not given then the consumer can be led to wrong choices.

The assumption in the consultation paper and the proposed compressed and unreasonable timeline is also against the fundamental rights of the operator to attempt to rightfully retain its own subscriber. This is one of the basic concern on the proposed process which denies legitimate right to consumer and to the operator. The consumer cannot be led to forced choices under time pressure.

Thus, withdrawal process is to be strengthened and not dropped from the porting process.

5. Fraudulent porting

Any fraudulent porting needs to be curbed. Vodafone fully supports any process of matching the basic consumer information between RO and DO at the time of port out request. In this respect, we will only submit that there has been regulatory uncertainty to the industry and to the consumers on e-KYC process. The consultation paper is premised on assumption of e-KYC whereas the ground situation is different. The operators are moving or moved to e-KYC. There are many existing subscribers who have not given and perhaps are not required to provide e-KYC re-verification. Thus, a process assuming that matching based on Aadhaar number can be done in all cases is an incorrect assumption. Further, the checks should be conducted uniformly across all transactions else the concerns will remain unaddressed.

Thus, the five issues observed in the current process, as mentioned in the consultation paper, are either incompletely or incorrectly stated or have been based on assumptions/anticipations and/or, to the extent relevant, are not getting addressed in the proposed process. In light of this and for other key issues mentioned below, it may not be appropriate to bring such major changes in absence of any failure and will result in unnecessary costs and will be against consumer interests.

Other key points in the proposed porting process

The proposed process suffers from incorrect assumptions regarding KYC/e-KYC as mentioned above and also on the processes explained in footnote 1 under Clause 2.23 and Clause 2.46 of the consultation paper. It admittedly is based on anticipation of functionality of certain third party (security agencies) processes by the time the proposed MNP process is implemented. This not only makes the whole MNP process subjective being dependent on third party readiness in future. We submit that any such important proposed changes, which will require considerable investments, cannot be initiated

without any such third party processes being first implemented. The discussion on this subject, in the manner stated in the consultation paper is, therefore, pre-mature. These relevant factors are mentioned but their status is being overlooked leading to danger of the discussions taking place on wrong assumptions. We submit that industry at this stage is under huge financial distress and it cannot afford any investments based on anticipations and wrong assumptions.

It further means that the proposed process cannot initiate without clarity on e-KYC status and without third party processes being fully operational, as mentioned in footnote 1 under Clause 2.23.

The proposed process requires that information regarding status of subscriber, i.e. prepaid or postpaid, is to be shared with MNPS at the initial stage, i.e. at the time of generation of UPC request. This information before the porting request being generated is commercially sensitive and not relevant for UPC generation.

With this background, we are hereunder providing our question wise comments:

Q1. Would it be appropriate that MNPS be assigned the task of generating and communicating the Unique Porting Code (UPC) to the subscriber intending to port his mobile number as proposed in the consultation paper?

Comments:

As mentioned in the Preamble, we are of the view that the issues in generation /delivery and validation of UPC as mentioned in the consultation paper are neither substantive nor material nor linked with MNP process and concerns like UPC non-delivery or delay in delivery are unfounded.

At the cost of repetition, we emphasize upon the following:

- a) The concern of non-delivery or delay in receipt of UPC by subscriber is mentioned in the consultation paper. We respectfully submit that we do not agree with the statement in the consultation paper that *"On various occasions it has come to notice that UPCs are not issued to the subscribers by DO whereas the charges for the SMS are deducted from the subscriber's account."* There are millions of UPCs being delivered successfully through automated processes. The technical issues, if at all, will be very rare. Even some very rare complaints which have been given to us by TRAI show that the UPCs have been sent but, not received due to issues like consumer already ported out, handset setting issues. Therefore, this is not an issue at all and thus, it cannot be attributed as a reason for change in process.
- b) We respectfully submit that the TRAI's draft MNP regulations (7th amendment) dated 16.08.2017 (which is as recent as 8 months) did not even mention about UPC non-delivery or delay in delivery as a concern. Therefore, this consultation paper in this respect is inconsistent with the factual position.
- c) The chances of manual error by subscriber while communicating/entering UPC as mentioned in the consultation paper, will be same in the proposed process as that in the current process. Consumer needs to know about such mismatch within a reasonable time and he should not be kept waiting for a period of say four days. We only submit that this concern can be addressed within the current process by rearranging the batch processing.
- d) We respectfully submit that the instances of closure of services of some operators were extremely exceptional and the root cause of the problem was that such operators closed their networks denying the connectivity to the consumers to even send SMS for generating UPC. This cause is independent of the MNP process. Despite that we had voluntarily provided solutions like ICR to enable consumers of one of such TSP to get connected for UPC generation and port-out to any network of their choice.

- e) In respect of UPC mismatch and UPC invalid/expiry cases, we submit that these are two different sets. As regard to UPC mismatch, we reiterate that so long the UPC code is to be manually fed in the PoS system, there will always be some chances of mismatch irrespective whether UPC is generated by DO or MCH. This issue is not getting addressed even under the proposed process.
- f) As regard UPC invalid/expiry cases, we submit that these cases are very nominal due to reasonable time frame given for port-out as per the current process. In case the time frame are shortened for any reason, these UPC invalid/expiry cases will increase substantively.
- g) The percentage of UPC mismatch & invalid/expired UPC is given in consultation paper as 40% of total rejections of porting requests. We respectfully submit that such instances over total porting requests are very nominal i.e. only 5% in our case, which shows that this is not a major cause for any substantive process change.
- h) In the past in case of sudden closure of services by a TSP, there were long delays, due to technical and capacity reasons, witnessed at the MNPS level, which continued for many days. Such facts should be considered for any such change in process.

We respectfully submit that the premise of this question in the consultation paper in Clause 2.17 that "keeping in view the existing scenario and the issues observed that the process of generation and delivery of UPC needs to be reviewed" is not correct. Therefore, it will not be appropriate that MNPS be assigned the task of generating and communicating the Unique Porting Code (UPC) to the subscriber intending to port his mobile number as proposed in the consultation paper.

There are other reasons as to why this task of UPC generation cannot/should not be assigned to MNPS, which are as follows:

1. UPC generation is only like an OTP given to the consumer which is valid for a given period of time. Consumer has the choice to use such UPC later, if he/she decides to port-out. Thus, MNPS's role starts only when a port-out request is generated and before that there is no role of MNPS.
2. UPC generation was introduced to ensure KYC information match to curb any fraudulent port-outs, allowing preliminary check between the subscriber and the DO. It is therefore, DO's role to receive such request, generate the code and send it to the same MSISDN number.
3. Presently, UPC generation is handled by one party only i.e. Donor operator. DO is responsible and equipped to handle consumer complaints as well. Moreover, it is clear to consumer that only DO is responsible for any UPC non-generation issue (if any isolated instance).

In the proposed scenario where UPC is to be generated by MNPS, but, the SMS is to be originated by consumer & delivered to consumer through DO's network, troubleshooting UPC non-generation will become very complex for the consumer. The consumers would continue to approach DO only but, DO may not be able to address the concerns due to dependency on MNPS. Hence, the proposed process will cause serious dissatisfaction to the consumers.

4. TSPs have invested in building the existing UPC and MNP framework and the system/processes are running smoothly. With proposed framework, the existing MNP system including UPC generation systems will become redundant, thereby causing huge sunk cost at one hand, with the risk of increase in expenses for the same transactions which are proposed to be undertaken by MNPSs. This is in our view is completely avoidable under the given circumstances when the process has been proven to be stable and meeting consumer's requirement and when the industry is in such a financial stress.

5. Considering the proposal being that MNPSP will handle the UPC requests and generation, which UPC request and generations are at least two times more than actual porting requests, MNPSP will need to deploy systems with huge capacity catering to industry wide UPC request. This will not be desirable thing considering TSPs already have such systems in place.
6. It is not fair to TSPs with up and running systems, to be subject to any change in the process, due to other TSPs closing down services when such TSPs were obliged to provide adequate opportunity to their consumers to make choices within given time frame. In case of closure, TSPs under license is obliged to maintain services for a certain notice period to consumer and if such condition was enforced upon respective TSPs which have closed down, then such situation of non-generation/delivery of UPC would not have arisen.
7. We would also like to submit that details of subscribers (MSISDNs) who have generated UPC thus indicating their wish to port out of a TSP, is a commercially sensitive information, prone to misuse and may have serious impact on the business model of a TSP. Even though the MNP operator may be a licensee, we would not recommend any 3rd party other than the Donor operator, to generate UPC and thereby possess such information. Therefore, in our view, UPC should not be generated by MNP operator.

Q2. If you agree to assign the task of UPC generation to MNPSPs, whether the revised process outlined in the consultation paper is appropriate to address the relevant issues being faced in the existing MNP process?

Comments:

For the reasons given above, we do not agree to assign the task of UPC generation to MNPSPs. Therefore, the proposed revised process outlined in the consultation paper which is based on this condition is not agreeable. The said process is also not appropriate for some of the reasons mentioned in the Preamble. At the cost of repetition, we emphasize upon the following:

1. Rejections of porting requests

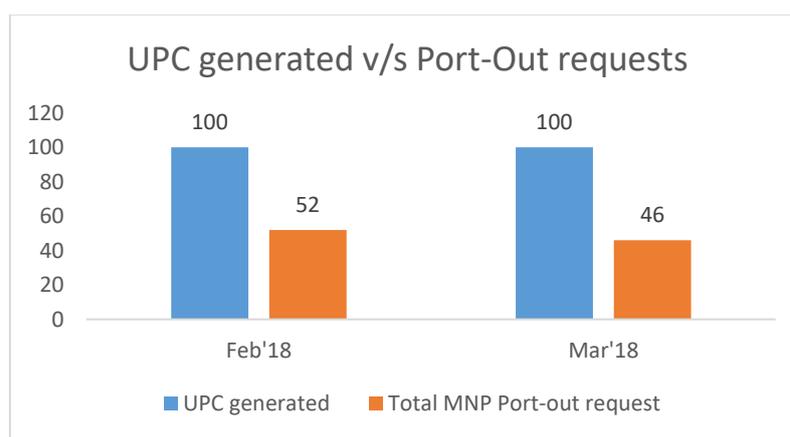
- The current process gives opportunity to consumer to reconsider his decision at any time between generation of UPC request and initiating porting request and also thereafter within a window of 24 hours. We submit that in this regard, the current process has rightfully put obligations on both DO and RO but the corresponding deterrents for not following the process is only on DO. For a fair level playing field to all operators, we have been submitting that in case of withdrawal of porting request, the RO enters into shoes of DO and therefore, there should be some deterrent on RO for not following the process. We had shared the processes enabling withdrawal request, which is necessitated due to the consumer's choice to remain with DO. Thus, we submit that the current process should be fine-tuned to allow this valid consumer choice, within a reasonable time. This will address the key concern being faced by the consumers.
- In regard to issues like 'Age on network for less than 90 days' including issues of prepaid to postpaid migration or vice versa and mobile numbers having facilities like CUG being rejected on contractual obligations ground, while we fully agree with TRAI that such rejections are not valid, we respectfully submit that the proposed process in the consultation paper is not addressing these issues.
- Kindly note that the porting process is common for both prepaid and postpaid subscribers, without disclosing the identity till the port-out request stage that whether the consumer is a prepaid or a postpaid consumer. The grounds of rejections in postpaid are more. At the same time, the number of postpaid connections are only 3 to 4% and MNP cases of postpaid are much lower compared to prepaid. Thus, any major process change for an exceptional reason mentioned in clause 2.12 (a) and that too which is applicable to some cases of postpaid subscribers, is not required. We submit

that TRAI should continue to take steps either under the current process or through compliance to ensure that any such exceptional case does not happen.

For the reasons stated above, we submit that rejections of porting requests as mentioned in clause 2.12 of the consultation paper are not linked with the proposed MNP process.

2. Communication to the subscriber

- Consumer's satisfaction and his faith in the MNP process is of utmost importance. The current process which has successfully ensured porting of more than 34 crores subscribers (as on January 2018), shows that the process overall has consumer's trust and meets the requirement of the consumers.
- The time taken for intimation of rejection to the consumer is a factor of technical and regulatory issues like KYC. It also is a factor of the consumer gathering information regarding the services of other operators to exercise his/her choice to port-out to some other operator or to remain with the current operator. We reiterate that an assumption that a request for UPC is a request to instantaneously port out to another operator, is a wrong assumption. It may be noted that there are very high number of cases where the consumer chooses to remain back with the same operator even after generation of UPC request and not even raising a porting request. The Porting requests are only 50% of the UPC requests, as seen from the following chart:



(Vodafone figures in %)

- Even where porting request is made, it is submitted that within the given window of 24 hours, the consumer has a right to withdraw the porting request.
- The assumption that the technical checks on the grounds enunciated for rejection of porting and KYC can be done instantaneously would not be correct. Apart from other issues, the checks on grounds, like matter is sub-judice and prohibited by a court of law, requires probing which is time consuming. These checks and corresponding timelines would, in any case, be required even in the process proposed under the consultation paper.

3. Withdrawal of Porting Request

- The consumer has a choice to select a new operator or to remain with the existing operator. This is fundamental right of the consumer. A reasonable period is therefore necessary after generation of port out request to consider withdrawal. The consultation paper acknowledges the above and states that the subscriber is entitled to withdraw the porting request within twenty four hours of making the request, by informing the RO in writing. It also acknowledges that the action of cancelling the porting request has to be initiated by the RO and the DO is not permitted to entertain such withdrawal requests,

however, practically it looks lucrative on the part of RO to not to process the withdrawal request, since RO is interested in acquiring the new subscriber. It mentions that it has been reported that in many cases, the RO does not take any action on such requests even if the request is received well in time.

It implies from the above that with consumer being entitled to withdraw the porting request, RO should act on valid withdrawal request from consumers. The current regulations makes it obligatory on the RO but it does not provide any monitoring/deterrent where RO is not following the process. Further, the regulation mentions that withdrawal request should be given in writing. We have shared detailed processes on such request being made by consumer through email (in writing), which was being followed, and in the alternative through a SMS based transparent process, which is presently being implemented and is at pilot stage. However, we find no mention of these important issues in the consultation paper.

The consultation paper, on the contrary, mentions that as per the information collected by TRAI, it appears that only few operators forward such withdrawal requests and rest of the operators process negligible number of withdrawal requests, with a proposition in clause 2.55 that there may not be need of withdrawal request.

We respectfully submit that TRAI's proposition is contradictory to its own position that consumer is entitled to withdraw porting request. It is also incorrect to assume that it is only informed subscriber who is actually interested in porting his mobile number shall initiate porting request. The facts show a completely different picture.

We have recently done pilot of a consumer friendly SMS based withdrawal process for porting requests, with one TSP (TSP-A) in Mumbai service area. Results of this pilot are encouraging and lot of consumers are actually withdrawing their porting requests. In April'2018 month itself, more than 4000 withdrawal requests have been raised by consumers of Vodafone and TSP-A in Mumbai service area only. These withdrawal requests are approx. 3% of total successful port-in for Vodafone and the TSP-A, pan India implementation by all TSPs would mean almost 1.4 lakh consumers per month exercising their right of withdrawal of porting requests.

The proposed process in consultation paper is compressing the time period from the time of generation of UPC request to port out, ignoring that consumer has right to explore all the options. We reiterate that assumption that a request for UPC is a request to instantaneously port out to another operator, is a wrong assumption. It may be noted that there are very high number of cases where the consumer chooses to remain back with the same operator even after generation of UPC request and not even raising a porting request. **Thus a two stage process i.e. from request for UPC generation till port out request and from that stage to actual port out, with a reasonable window in each stage for proper consideration by consumer is critical.**

The cooling period has to be given to the consumer to think about the options. If such cooling period is not given then the consumer can be led to wrong choices.

The assumption in the consultation paper and the proposed compressed and unreasonable timeline is also against the fundamental rights of the operator to attempt to rightfully retain its own subscriber. This is one of the basic concern on the proposed process which denies legitimate right to consumer and to the operator. The consumer cannot be led to forced choices under time pressure.

Thus, withdrawal process is to be strengthened and not dropped from the porting process.

4. Fraudulent porting

- Any fraudulent porting needs to be curbed. Vodafone fully supports any process of matching the basic consumer information between RO and DO at the time of port out request. In this respect, we will only submit that there has been regulatory uncertainty to the industry and to the consumers

on e-KYC process. The consultation paper is premised on assumption of e-KYC whereas the ground situation is different. The operators are moving or moved to e-KYC. There are many existing subscribers who have not given and perhaps are not required to provide e-KYC re-verification. Thus, a process assuming that matching based on Aadhaar number can be done in all cases is an incorrect assumption. Further, the checks should be conducted uniformly across all transactions else the concerns will remain unaddressed.

Thus, the issues observed in the current process, as mentioned in the consultation paper, are either incompletely or incorrectly stated or have been based on assumptions/anticipations and/or, to the extent correct, are not getting addressed in the proposed process.

There are other corresponding reasons which are as follows:

- The proposed process suffers from incorrect assumptions regarding KYC/e-KYC as mentioned above and also on the processes explained in footnote 1 under Clause 2.23 and Clause 2.46 of the consultation paper. It admittedly is based on anticipation of functionality of certain third party (security agencies) processes by the time the proposed MNP process is implemented. This not only makes the whole MNP process subjective being dependent on third party readiness in future. We submit that any such important proposed changes, which will require considerable investments, cannot be initiated without any such third party processes being first implemented. The discussion on this subject, in the manner stated in the consultation paper is, therefore, pre-mature. These relevant factors are mentioned but their status is being overlooked leading to danger of the discussions taking place on wrong assumptions. We submit that industry at this stage is under huge financial distress and it cannot afford any investments based on anticipations and wrong assumptions.

It further means that the proposed process cannot initiate without clarity on e-KYC status and without third party processes being fully operational, as mentioned in footnote 1 under Clause 2.23.

- The proposed process requires that information regarding status of subscriber, i.e. prepaid or postpaid, is to be shared with MNPS at the initial stage, i.e. at the time of generation of UPC request. This information before the porting request being generated is commercially sensitive and not relevant for UPC generation.
- Presently, instant generation of UPC and its receipt leads to consumer satisfaction and trust into the process. In the proposed revised process, it will not be possible to generate and deliver instant UPC to consumer since, pre-checks are to be done by DO which will take time. Since, consumer perceives instant SMS revert of UPC, any lag in this regard will lead to consumer dissatisfaction and also distrust in the process.
- As per current process, activation/deactivation at DO/RO level happens in the night hours between 10:00 pm to 5:00 am in the morning. This has been prescribed primarily considering consumer's interest that his services should not be affected in the day time. Under the proposed revised process, activation/deactivation will be on real time basis i.e. 24x7, which will cause serious service disruption to the consumer and very high complaint rate on the call centers of both RO and DO.
- Currently, MNP activations and deactivations happens between 10 PM to 5 AM, where all partner teams are actively monitoring the process so as to achieve MNP SLA of 2 hours. During this period, there are very less requests for other services from customers hence least impact.

Below are the some of the challenges for MNP activation/deactivation process if changes to 24x7.

- Impact of customer services during day hours due to ~4 hours of no service period hence will lead to customer dissatisfaction and escalation.
 - Dedicated team of all partners for 24x7 support to achieve MNP SLA of 2 hours.
 - In daytime, there are other multiple requests i.e. normal activation/SIMEX/VAS/DATA which customer are opting.
 - System activities like OS/DB patching/health check /planned downtime are generally performed during non-MNP window time (5 AM to 10 PM) due to which MNP activation/deactivation requests might get delay.
 - Normal activations are happening throughout the day and during peak hours usually there is substantial load on systems i.e. late afternoon/evening time. Clubbing of MNP activation/deactivation along with other services might impact the normal activation and MNP activation both.
- The TSPs will have to substitute their processes and systems, which will increase their cost and increase their dependencies on third party systems of MNPSPs. This certainly will increase the dissatisfaction and complaint rate amongst the consumers.
 - **Corporate porting can't be cleared in 24 hours:** We also submit that it is practically not possible to clear corporate porting requests in 24 hours. For corporate cases, there are various steps involved viz. daily data extraction, segregation of cases, authorization letter from separate system, manual checking if any request for authorized signatory update received and pending, manual validation of details of authorized signatory, manual status uploading of accept/reject remarks. Therefore, existing timeline for corporate porting validations are reasonable.

In light of this, the proposed revised process is neither required nor it is appropriate.

Q3. Do you suggest any other methodology which can address the issues being faced in the existing MNP process? Elaborate your answer.

Comments:

We reiterate that existing process is stable and is meeting the requirements. There are few suggestions given below which will make the current process consumer friendly:

- It would need strengthening in some areas like withdrawal of consumer request. The consumer being entitled to withdraw the porting request, operator as RO should entertain valid request. The current regulations makes it obligatory on the RO but it does not provide any monitoring/deterrent where RO is not following the process. Further, the regulation mentions that withdrawal request should be given in writing. We have shared detailed processes on such request being made by consumer through email (in writing), which was being followed, and in the alternative through a SMS based transparent process, which is presently being implemented and is at pilot stage. Same needs to be clarified in the current process.

We have recently done pilot of a consumer friendly SMS based withdrawal process for porting requests, with one TSP (TSP-A) in Mumbai service area. Results of this pilot are encouraging and lot of consumers are actually withdrawing their porting requests. In April'2018 month itself, more than 4000 withdrawal requests have been raised by consumers of Vodafone and TSP-A in Mumbai service area only. These withdrawal requests are approx. 3% of total successful port-in for Vodafone and the TSP-A, pan India implementation by all TSPs would mean almost 1.4 lakh consumers per month exercising their right of withdrawal of porting requests.

A two stage process i.e. from request for UPC generation till port out request and from that stage to actual port out, with a reasonable window in each stage for proper consideration by consumer is critical. The cooling period has to be given to the consumer to think about the options. If such cooling period is not given then the consumer can be led to wrong choices.

- We have also suggested that the consumer interest on issues of age on network, can be addressed under the current process. In cases where consumer is not eligible even during the entire 15 day UPC validity (like age on network is 72 days on the date of UPC request), the same can be informed within few hours of receipt of UPC request. This information today is available to consumer only after he gets UPC and thereafter generating porting request through RO. This means today, the consumer has to purchase new connection/packs from RO first and then he will know his ineligibility on age on network ground.
- Consumer needs to know about UPC mismatch within a reasonable time and he should not be kept waiting for a period of say four days. We only submit that this concern can be addressed within the current process by rearranging the batch processing.

Q4. How can KYC information available with DO be verified during the MNP process to avoid fraudulent porting? Please elaborate.

Comments:

- UPC generation was introduced to ensure KYC information match to curb any fraudulent port-outs, allowing preliminary check between the subscriber and the DO.
- In case KYC match is prescribed than the same should be done under the current process at the time of porting request. The TSPs may have paper based or Aadhaar based information and they will inform MNPSF during porting request.
- Vodafone fully supports any process of matching the basic consumer information between RO and DO at the time of port out request. In this respect, we will only submit that there has been regulatory uncertainty to the industry and to the consumers on e-KYC process.
- Recently, UIDAI has mandated vide its circular dated 01.05.2018 that Aadhaar number should not be kept by TSPs and in its place, Virtual ID is required to be kept.

Q5. What are the challenges in implementing the proposed MNP processes / framework on the part of stakeholders' viz. TSP (as DO and RO) and MNPSF? Elaborate your answer.

Comments:

As mentioned above in the preamble and response to Q.no. 1 to Q.no. 3, there are various challenges in the nature of consumer dissatisfaction, consumer interest not getting addressed, increase in dependencies, non-clarity on various issues like eKYC and CMS implementation/timeline, unnecessary increase in costs, increase in financial stress due to current investments in the existing systems becoming sunk and new investments required, real-time activation/deactivation constraints, UPC generation not on real time basis and at least six to nine month implementation timeline from the date of eKYC and CMS issues getting resolved considering all the factors.

In light of our comments to Q. no 1 and Q. no. 2, we are of the view that the current process is stable and is meeting the requirements and there is no need for the proposed revised MNP process.

Q6. Whether MNPSP should be compensated towards the cost of generation and delivery of UPC to the subscriber through SMS? If yes, what mechanism can be adopted?

Comments:

- As recent as end January 2018, the per port transaction charges of MNPSP have been reduced from Rs 19 to Rs 4 based on their costs and rate of return. In our view, the per port transaction charge should have been much lower.
- The UPC generation is a separate transaction and cannot be linked with port transaction. As on date the consumer on paper is supposed to pay at the point of porting out i.e. Rs 4/-. Consumer pays one SMS cost for UPC request. Consumer is not being charged for UPC generation and delivery.
- It is a fact that the number of UPC generations are much higher than actual porting transactions. In the proposed process, the work done for UPC generation by MNPSPs and TSPs also will be much more than in present process.
- Thus, on apportionment of UPC generation cost of MNPSP under the proposed process, such cost of UPC generation will be there which is not existing today. Further, since it is in response to a UPC request by a consumer that cost will have to be borne by the consumer.
- Today, for UPC generation the DO is providing free service to the consumer which will become a cost issue for consumer under the proposed process.
- The cost of porting transaction, which is a separate activity, will come down due to lesser work involved at that stage by MNPSP. Therefore, in our view, the per port transaction charge should come down from existing Rs 4/-. It may need to be further brought down, if number of porting transactions increase. We request that the costs of MNPSPs should be assessed frequently for the cost based assessment of per port transaction charge. The consultation paper is silent on the impact on number of porting transactions but that pre-assessment will become essential to determine the per unit consideration. This is because on the same subject TRAI has conducted a consultation.
- This complexity further shows that the proposed process is not reasonable and it will certainly burden the consumer. Since, the consumer has to bear the cost, it may also result in lesser attempts by consumers for UPC requests.

Q7. What would be the appropriate mechanism to reinforce the accountability and role of MNPSP in the proposed scenario?

And

Q8. What could be the mandatory obligations on part of the MNPSP?

Comments:

The MNPSP is only a clearing house for porting transactions. In our view, it has no role to play at the stage of UPC request and generation.

Q9. In the event of large scale disruption or sudden shutdown of network, what could be the appropriate alternative mechanism to ensure delivery of UPC and completion of porting process?

Comments:

There are provisions under license which obligates the TSPs for continuity of services and no shutdown without a mandatory notice period. These provisions need to be strictly enforced. Also, alternative mechanism of UPC generation, as opted by one of the TSP recently i.e. generation through website/IVR etc should be allowed by TRAI through amendment in regulation.

Q10. (a) Do you agree with the process for transfer of the prepaid balance to the subscriber's account as described in the consultation paper? What changes do you envisage in licensing/regulatory framework to enable the provision? Please elaborate your answer.

**(b) If the above process is not agreeable, please suggest alternate mechanism.
and**

Q11. What should be the regulatory requirements to monitor efficacy of the provision of transferring the unspent pre-paid balance? Please elaborate your answer.

Comments:

We note in Clause 2.42 of the Consultation paper that Authority is of the view that purpose of refunding the prepaid balances to the subscribers in one or few special circumstances of porting can be addressed by issuing a Direction, however, there should be a permanent mechanism in place to safeguard the refund/transfer of pre-paid balance of the subscriber, who has ported his mobile number under the normal circumstances too. The Consultation paper further states that keeping aside some threshold value of prepaid balance towards meeting additional administrative expenses for transfer of unspent balance, the balance amount can be transferred/ refunded to the subscriber.

In this regard, we submit that a prepaid consumer has various options available which he can choose depending upon his usage requirements which such consumer opts for at the time of purchasing the plan/voucher/STV, as the case maybe. Further, the pro rata non-consumed amount generally will be nominal and in many cases, is less than what could be the additional administrative expenses for such transfer. Therefore, in our preliminary view this maybe an exercise which overall be more costly and consumers actually may not, in most cases, be qualifying due to very low pro rata non-consumed amounts. If the view/assumption of the Authority is different, this area may need some examination on facts and data, which is presently not collated.

Para 2.38 of the consultation paper states that there is no provision in MNP regulation of balance amount of talk time in case of a prepaid subscriber. It seems that the consultation paper is confining the transfer of prepaid balance to only talk time. In consumers' interest, we would like to submit that the consumer has paid for services for usage and it would like to get refund for the pro rata period for the unspent amount, for all categories including STVs, Plan Vouchers, Combo vouchers and Top-up vouchers. Thus, if Authority is considering transfer of prepaid balance then it must include all such vouchers for the pro rata benefit to the consumer. If such uniformity across all kind of vouchers is not given then, this aspect will give undue advantage to TSPs who are more into STVs/PVs. The process must ensure a level playing field to all the service providers and uniform benefit to all consumers of all TSPs. Further, any such segmented talk time refund will have an indirect bearing on the tariff constructs, which will take away the choice from consumers and will constrain TSPs also in their offerings. In light of this, we view it as a major issue which has various implications and should be deliberated separately.

Q12. In the proposed scenario of reduced MNP timelines, should the validity of the UPC be reviewed? If yes, what should be the period of validity of UPC? Please elaborate your answer with justification

Comments:

As mentioned in our comments to Questions herein above, UPC request is at best is an indication that the consumer may be thinking of porting out but, it is completely different from generation of porting request. There is huge difference in number of UPC request and porting request which show that most consumers remain with their current service providers and the cooling period between the two events is therefore helpful by not forcing consumer into forced choices due to time pressure. We are therefore of the view that there is no need for reducing the validity of UPC. Any such measure on reducing the UPC validity will be against the consumer's interest and will increase the number of attempts for UPC generation by same consumer.

Q13. Whether it would be appropriate to review the existing structure of UPC? Please elaborate your answer with justification.

and

Q14. If you agree to above, does the proposed structure as discussed above adequately serve the purpose or would you suggest any other mechanism? Please elaborate your answer with justification.

Comments:

In our view, such structure for UPC should be prescribed which should cater to large number of UPC requests being generated by mass-level consumers due to disruption/closure of services by a TSPs.

The proposed process requires that information regarding status of subscriber, i.e. prepaid or postpaid, is to be shared with MNPS at the initial stage, i.e. at the time of generation of UPC request. This information before the porting request being generated is commercially sensitive and not relevant for UPC generation. Therefore, we do not agree on affixing 'P' in UPC to identify consumer as postpaid. Such UPC structuring may lead to more case of UPC mismatch.

Q15. Should the provision of withdrawal of porting request be done away with in the revised MNP process? Please state your answer with justification.

Comments:

We reiterate as follows:

- The consumer has a choice to select a new operator or to remain with the existing operator. This is fundamental right of the consumer. A reasonable period is therefore necessary after generation of port out request to consider withdrawal.
- The consultation paper acknowledges the above and states that the subscriber is entitled to withdraw the porting request within twenty four hours of making the request, by informing the RO in writing. It also acknowledges that the action of cancelling the porting request has to be initiated by the RO and the DO is not permitted to entertain such withdrawal requests, however, practically it looks lucrative on the part of RO to not to process the withdrawal request, since RO is interested in acquiring the new subscriber. It mentions that it has been reported that in many cases, the RO does not take any action on such requests even if the request is received well in time.
- It implies from the above that with consumer being entitled to withdraw the porting request, RO should act on the valid request given by consumer. The current regulations makes it obligatory on the RO but it does not provide any monitoring/deterrent where RO is not following the process. Further, the regulation mentions that withdrawal request should be given in writing. We have shared detailed processes on such request being made by consumer through email (in writing), which was being followed, and in the alternative through a SMS based transparent process, which is presently being

implemented and is at pilot stage. However, we find no mention of these important issues in the consultation paper.

- The consultation paper, on the contrary, mentions that as per the information collected by TRAI, it appears that only few operators forward such withdrawal requests and rest of the operators process negligible number of withdrawal requests, with a proposition in clause 2.55 that there may not be need of withdrawal request.
- We respectfully submit that TRAI's proposition is contradictory to its own position that consumer is entitled to withdraw porting request. It is also incorrect to assume that it is only informed subscriber who is actually interested in porting his mobile number shall initiate porting request. The facts show a completely different picture.
- We have recently done pilot of a consumer friendly SMS based withdrawal process for porting requests, with one TSP (TSP-A) in Mumbai service area. Results of this pilot are encouraging and lot of consumers are actually withdrawing their porting requests. In April'2018 month itself, more than 4000 withdrawal requests have been raised by consumers of Vodafone and TSP-A in Mumbai service area only. These withdrawal requests are approx. 3% of total successful port-in for Vodafone and the TSP-A, pan India implementation by all TSPs would mean almost 1.4 lakh consumers per month exercising their right of withdrawal of porting requests.
- The proposed process in consultation paper is compressing the time period from the time of generation of UPC request to port out, ignoring that consumer has right to explore all the options. We reiterate that assumption that a request for UPC is a request to instantaneously port out to another operator, is a wrong assumption. It may be noted that there are very high number of cases where the consumer chooses to remain back with the same operator even after generation of UPC request and not even raising a porting request. **Thus a two stage process i.e. from request for UPC generation till port out request and from that stage to actual port out, with a reasonable window in each stage for proper consideration by consumer is critical.**
- The cooling period has to be given to the consumer to think about the options. If such cooling period is not given then the consumer can be led to wrong choices.
- The assumption in the consultation paper and the proposed compressed and unreasonable timeline is also against the fundamental rights of the operator to attempt to rightfully retain its own subscriber. This is one of the basic concern on the proposed process which denies legitimate right to consumer and to the operator. The consumer cannot be led to forced choices under time pressure.

Thus, withdrawal process is to be strengthened and not dropped from the porting process.

Additional comments in this regard are as follows:

1. Less Number of Withdrawal requests due to user-unfriendly process:

Para 2.15 of the consultation paper states that only few operators forward such withdrawal requests. In this regard, we would like to highlight that there are huge number of consumers who having being misled into the porting process, want a friendly and easy process to withdraw their porting requests. So far, the process for withdrawal was being subjectively defined by some TSPs acting as RO and expected consumers to reach out physically to their stores etc, thereby putting consumers to a cumbersome process such that they are not able to withdraw their porting requests.

In our interaction with consumers intending to port out of our network, we have got feedback from thousands of such consumers that they would like to exercise their right of withdrawing the porting requests but, this could not materialize due to inaction by some TSPs. Hence, it is this reason due to

which TRAI would have observed less number of withdrawal requests being processed whereas actual consumers wanting to withdraw and sent their written requests through easier mode (like email), would be in thousands.

2. Recent pilot of SMS based withdrawal process:

To further provide more facts, we have recently done pilot of a consumer friendly, SMS based withdrawal process for porting requests, with one TSP (TSP-A) in Mumbai service area. Results of this pilot are encouraging and lot of consumers are actually withdrawing their porting requests. In April'2018 month itself, more than 4000 withdrawal requests have been raised by consumers, both for us and TSP-A.

Considering, these withdrawal requests in initial phase are approx. 3% of total successful port-in for us and the TSP-A, pan India implementation by all TSPs would mean almost 1.4 lakh consumers per month, exercising their right of withdrawal of porting requests. We shall be happy to provide further details about the said process, should TRAI desires so.

Considering above, we request TRAI to mandate all TSPs to implement user-friendly SMS based porting withdrawal process under either the existing provisions of the MNP Regulation or through amendment to the MNP Regulation.

3. Right of TSP to retain its consumers:

It is right of any commercial entity including a TSP, to get an opportunity to be able to retain its consumers. Once a porting request is raised, reasonable time period of twenty four hours (existing provision) is required for us to make efforts of retaining our consumers. Further, retention of consumer through special offers and discounts is part of segmented offers and is a valid and proper commercial activity under prevailing regulatory framework.

Therefore, we most humbly request that the existing provision of twenty four hours for a consumer to raise withdrawal of porting request must be retained.

Q16. What additional changes do you envisage in the MNP regulations? Elaborate your suggestions.

Comments:

- It would need strengthening in some areas like withdrawal of consumer request. The consumer being entitled to withdraw the porting request, operator as RO should entertain valid request. The current regulations makes it obligatory on the RO but it does not provide any monitoring/deterrent where RO is not following the process. Further, the regulation mentions that withdrawal request should be given in writing. We have shared detailed processes on such request being made by consumer through email (in writing), which was being followed, and in the alternative through a SMS based transparent process, which is presently being implemented and is at pilot stage. Same needs to be clarified in the current process.
- We have also suggested that the consumer interest on issues of age on network, can be addressed under the current process. In cases where consumer is not eligible even during the entire 15 day UPC validity (like age on network is 72 days on the date of UPC request), the same can be informed within few hours of receipt of UPC request. This information today is available to consumer only after he gets UPC and thereafter generating porting request through RO. This means today, the consumer has to purchase new connection/packs from RO first and then he will know his ineligibility on age on network ground.

- Consumer needs to know about UPC mismatch within a reasonable time and he should not be kept waiting for a period of say four days. We only submit that this concern can be addressed within the current process by rearranging the batch processing.

Q17. Due to the difficulty envisaged, should the subscriber be allowed to reconnect his mobile number even after number return process is initiated? If yes, what could be the criteria? Please elaborate suitable method.

Comments:

NPD – Disconnections in 30 Days as per MNP regulations:

We have many consumers who are willing to/ make payments even after 30 Days. In this case if we do not have provision for same, it is very harsh on consumer that Number is disconnected & returned to MCH. The consumer is without his number & services too.

We propose the below process which is in line with the MNP regulations & consumer centric too:

Current Process – From the date of NPD request raised by DO, below dunning process is followed

- 15th day – OG barring
- 30th day – Disconnection
- Communication is sent to MCH that the number will be returned to original operator after 60 days

Proposed process – From the date of NPD request raised by DO, below dunning process is followed

- 15th day – OG barring
- 30th day – Temporary disconnection
- Communication to be sent to MCH that the number will be returned to original operator after 60 days.
- Within next 30 days from temporary disconnection, if Consumer clears outstanding and produces relevant proofs to the RO, the number should be reconnected and communication to be sent to MCH about Number reconnection and number return process aborted.

E.G. of the above proposed process with dates:

- 1st Aug – Request raised through MCH as AIRTEL payment pending
- 15th Aug – OG Barring
- 30th Aug- Temporary disconnection
- If consumer submits relevant proofs of having cleared Outstanding by 30th September, the number will be reconnected and communication will be sent to MCH about Number reconnection and number return process aborted.

Q18. Should the MNPSs be allowed to charge for the ancillary services such as number return and bulk database download by TSPs? Please provide your comments with justifications.

Comments:

- Besides, the bulk database download is not sought for downloading entire porting database – we have never sought such downloading of entire porting database in past few years. This bulk database download is limited to troubleshooting of consumer complaints of not able to receive incoming calls. The TSP seeking to download the data for specific set of numbers, may actually not be even RO or DO for such numbers but, would be acting on consumer’s concern in larger interests. Therefore, a TSPs should not be charged for any such bulk/selected number data download.
- During last consultation on porting charges and subsequent amendment to the Porting charges regulation, the entire cost of MNPSPs has been considered while arriving at the porting charge. The cost of MNPSP included all activities being provided which includes number return as well as bulk database download. Therefore, there is no cogent reason for MNPSPs to separately charge existing ancillary services such as number return and bulk database download.
- Nonetheless, the per port transaction charge fixed vide the above said amendment regulations at Rs 4 /- per porting request, is still on the higher side and should have been lower than the same.
- **Number return – should be Automated:**
 - It has been observed that some TSPs do not follow automated numbering return process, which is leading to number return process not being followed diligently.
 - Delay in number return leads to inefficient utilization of scarce numbering resources, wherein such numbers remain in holding and non-usable state due to process inefficiency with some TSPs.
 - We request that TRAI should mandate automated number return process such that the number is immediately returned to Number range holder immediately after the TRAI mandated period of 60 days, and the number range holder can optimally utilize the same.

Q19. Would the new technologies, such as block chain, be helpful for facilitating faster and transparent MNP process? What can be the possible advantages and challenges? Please elaborate.

Comments:

The existing systems and processes regarding MNP framework are working fine and it does not need any further technological change. We would be able to provide specific comments, once TRAI provide specific details and purpose to be achieved for this.

Q20. If there are any other issue(s) relevant to the subject, stakeholders are requested to offer comments along with explanation and justifications.

Comments:

1. We request that if any changes are considered by Authority then, the same should be first shared in form of draft regulations, as has been the practice in the past.
2. Regulatory impact analysis is required

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