

[RCOM Response to TRAI Consultation Paper on
“Compensation to the Customers in the Event of Dropped Calls”](#)

Executive Summary

- A. Calling consumers should be charged for complete duration of the call.
- B. There is no need to mandate TSPs to compensate subscribers for dropped calls.
- C. Compensation to the customers, in lieu of dropped calls, has the potential to increase disputes amongst the TSP and consumer, and between TSPs. Hence **it is not a viable option and should not be considered.**
- D. TRAI and DoT should facilitate and expedite implementation of the following:
 - a. Push for tower space on government land, buildings and defence land, and faster RoW approval.
 - b. Uniform Enforcement of Mobile Tower policy and RoW guidelines.
 - c. Telecom Services & Infrastructure to be declared as “Essential Services”.
 - d. Address issues of interference from illegal wideband radios, especially intra-country and cross border.
 - e. Expeditious Spectrum Harmonisation.
- E. The TSPs should be provided a gestation period of 6 months for fructification of their efforts post exploitation of the DoTs initiatives of permitting erection of towers over government buildings, hospitals, etc and then review the situation before taking any decision on compensation issue.

Detailed Response

Q1: Do you agree that calling consumers should not be charged for a call that got dropped within five seconds? In addition, if the call gets dropped any time after five seconds, the last pulse of the call (minute/second) which got dropped, should not be charged. Please support your viewpoint with reasons along with the methodologies for implementation.

Our Response

We do not agree to the authority’s contention that,

- (a) Calling consumers should not be charged for a call that got dropped within five seconds and**
- (b) If the call gets dropped any time after five seconds, the last pulse of the call (minute/second) which got dropped, should not be charged.**

- 1. It is brought out that in a hyper competitive mobile services market scenario as prevalent in India, the quality of service of mobile services ensures customer stickiness to a TSP. The TSPs have no option except to make their best endeavors to ensure that the call gets connected in the first attempt and that their network also averts call drops.

Given the size of Indian market and the fact that the tariffs are one of the lowest in the world it is imperative that the TSPs maximize their call materialization and completion rate; as larger volume of completed calls shall result in better revenue from their operations.

2. Accordingly, it is in operators' interest to ensure that his network is always optimized for best performance and hence, the reasons for call drop as listed at para 2.9 of the CP are attended to on a regular basis. **However, it is the reasons as listed below, that are beyond the control of the TSP's, that are the largest contributor towards the menace of call drops and also prove to be the TSP's nemesis for call materialization.**

- 2.1 **Restrictions on erection of towers due to unfounded and unsubstantiated myths about ill effects of radiations.**

Alleged EMF radiation hazards in installing mobile cell-sites in residential areas continue to bother the local population, even though very stringent guidelines, which are 10 times more stringent to what has been in practice in the world, have been notified by DoT. In fact, DoT has repeatedly clarified that EMF concerns have already been accounted while formulating the tower installation guidelines in Aug'13, however no state Government is adhering to these guidelines. Several High Courts have also held that there is no evidence to prove any harmful effects of the EMR and the same cannot be linked to health issues. Still **several RWAs have denied permission for installation of sites or are seeking removal of towers citing EMF myth about health hazards.**

- 2.2 **Artificial restrictions to install towers on educational institutions, Government Buildings, hospitals, forest lands, historical/archeological protected areas and defence land**

Telecom operators are facing huge challenges or do not get permission for erecting the towers on educational institutions, Government Buildings, hospitals, forest lands, historical & archeological protected areas, and even in defence cantonment areas. There is no uniform policy for erecting the towers in these areas, leading to the creation of pockets of no coverage of telecom services to the population residing in and nearby these areas. The policy of laying telecom infrastructure has been issued vide MoD letter dated 2008. This being needs to be revised to provide RoW in areas governed by the said MoD policy.

- 2.3 **Abrupt sealing of Tower sites by the local municipal authorities.**

Local Municipal corporations initiate actions against the towers without any prior notices like disconnecting electricity supplies, sealing the premises and even dismantling of tower sites. This is happening across the country even when towers have been erected after due permission from the concerned authorities and clear guidelines of DoT for not sealing any site without its permission. One of the latest examples is the sealing of towers in Delhi by SDMC (South Delhi Municipal Corporation) wherein the authority has sealed various sites without issuing any

prior notice and that too with utter disregard to the fact that the matter is pending for adjudication before the Hon'ble High Court of Delhi.

2.4 Issues pertaining to RoW :

Difficulties in obtaining the RoW clearances, dealing with multiple overriding conditions and the tedious process, are the key issues faced by telecommunications/infrastructure service providers. Levying of arbitrary high costs, no uniformity in obtaining RoW and lack of single window clearance mechanism acts as effective barriers to timely network rollouts. Despite DoT's Aug'13 guidelines for erecting the towers, several states have or are formulating guidelines that are significantly at variance with the uniform policy guidelines of DoT, hampering steady roll out of services/capacity augmentation in the network. To exemplify: (i) Multiplicity of documents are insisted upon by local bodies as a precondition to grant clearance such as Sanctioned Building Plan, Occupancy Certificate, Registered Lease Deed etc. Some of the documents are either unavailable due to practical problems pertaining to compliance of the local building laws or the additional expense it entails on the landlord to acquire requisite documents/registrations. (ii) Various states charge multiple/ recurring levies such as permission fee, sharing fee and renewal fee that results in delay in roll out/expansion of networks and also increases costs.

2.5 Interference issue:

Interference due to illegal wide band radio and coverage restrictions arising out of cross border spectrum interference also leads to call drop in various pockets of the covered area. Few examples are: (i) In Pondicherry, the jail authority issued instruction to all operators to remove cell towers erected within the radius of 1.5 Km of jail location. (ii) Other such cases of performance deteriorating interference like in various cities of Haryana, unknown source interference led to deterioration of network for almost 3 months (iii) Jammers put up by Jail authorities impacting services in nearby areas (iv) cable operators networks causing interference like in Delhi in 800 Mhz.

2.6 Non cooperation of the building owners for permitting installation of In Building Solutions (IBS).

Telecom companies are facing major challenges for installation of In building solutions (IBS) for better coverage/in-door connectivity. There are also no mandates for sharing of infrastructure by the TSP who already got its IBS installed in the building. This is important for improving the in-door coverage and to avoid call drop. This is especially true for Govt. buildings/offices.

2.7 Site outages on account of elongated periods of power failure.

2.8 Uncoordinated developmental works undertaken by municipal authorities leading to cuts in Optical Fiber plant being used for backhaul of traffic.

- 2.9 **Theft of diesel / batteries from sites powered through secondary power source.**
- 2.10 **Quality of the customer handset.** It is well known that the quality of the radio of the handset varies vastly from high end sophisticated handset to normal handset.
- 2.11 **Level of battery charged of the consumers' handset.** Quite often it is noticed that the call receiving subscriber's handset has very little residual battery life which results in abrupt disruption (call drop) of the call in progress.
3. Also, as per the Roll out obligations prescribed in the licence agreement, the government itself has mandated coverage of 90% of the municipal limits, acknowledging the fact that 100% ubiquitous coverage is difficult to achieve. Consequently, there could be a scenario wherein a customer originates a call from with an area which has radio coverage and subsequently moves to an area where there is no coverage, resulting in dropped call. Catering for such a scenario, the QoS benchmark for call drops has been set at a reasonable level of 2%.
4. Further, it is submitted that the Authority should take a balanced approach for resolving the call drop concerns and recommend active steps for the resolution of the issues highlighted above. Any proposal/mandate for compensating the subscriber for call drop is not a resolution of the problem but would be taxing on the beleaguered telecom industry that is making conscious efforts and investments for enhancing network and services..
5. **We would like to highlight as below practical issues/challenges that must be addressed before a proposal for compensation of subscribers for dropped calls can be considered:**
- 5.1 It is brought out that, for Inter-network calls that get dropped due to the fault in call terminating network, the call originating network shall still incur expenses on account of termination. In such a scenario asking the call originating network to compensate the subscriber would not be fair as the call originating network would incur losses on two accounts viz, payment to the call terminating network as well as compensation to the subscriber. The situation gets further accentuated when it comes to ISD calls where in the TSP has to pay the termination charge to the foreign partner and compensate the subscriber.
- 5.2 Even if the operators adopt the practice of compensating the subscribers, as suggested in the Consultation paper, the likely hood of misuse of such provisions **leading to customer as well as inter operator disputes cannot be ruled out.** To exemplify:
- 5.2.1 There will be major misuse of 5 Sec dropped call compensation as it would become a matter of dispute between customer and TSP, whether the call has been dropped due to network issue or the customer activity like entering basement etc.

- 5.2.2 Additionally, it has the potential of creating a menace similar to missed calls being faced by TSPs. TRAI is aware of the fact that around 30% of the total calls originated today fall under the missed call bracket and TSPs are losing huge revenue because of the TCBH occupancy during these missed calls. Thus, any such mandate of compensating the subscriber for 5 sec dropped call may be misused by the Telemarketers.
- 5.2.3 There will also be inter-operator settlement issue as it would be very tough to identify the point of failure of call.
- 5.2.4 Similarly, there can be multiple reasons for call drop, which are beyond the control of the TSPs and which cannot be verified authentically, but would reflect as a dropped call in the system are as mentioned in the table below. Irrespective of the reason for the call drop, such scenarios are bound to be contested either by the consumer or the network operator leading to disputes for compensation settlement and ultimately losses to the call originating network operator.

Scenario	Possible Reason for call Drop
A party part of network X calling B party part of network Y or vice versa	<ul style="list-style-type: none"> • A party or B party enters in to the basement • A party or B party enters behind thick concrete wall having low coverage compared to street level coverage • A party or B party enters in to a lift • A party or B party enters in to a shadow zone which has no/less coverage due to geographical reasons. • A party or B party handset battery gets drained off • A party or B party handset has some application running in parallel which interrupts the call • A party or B party network being sabotaged. • POI failure in either network. • Hardware failure in either network. • Roaming partners issues. • Quality of user handset.

5.3 It is also worthwhile to mention that more than 65% of the RCOM's GSM customers are on 'Pay Per Second (PPS) base tariffs. In fact in the last 1-2 years, most of the customers added by us are on PPS plan only. **Thus, in a scenario where in the telecom industry is already offering tariffs as low as 1 P/sec or 1/2 P/sec, compensating subscriber who is on PPS plan would not be justified.**

Our recommendations

6. In view of the foregoing, following are recommended:

6.1. Since, compensation to the customers, in lieu of dropped calls, has the potential to increase disputes; hence **it is not a viable option and should not be considered.**

6.2. Since, most of the issues that can contribute immensely towards network improvement are dependent on the permissions and cooperation from governmental authorities or beyond the control of TSP, it is recommended that **TRAI and DoT should facilitate expedite implementation of the following:**

6.2.1. **Telecom Services & Infrastructure to be declared as “Essential Services”.**

6.2.2. **Uniform Enforcement of Mobile Tower policy and RoW guidelines.**

6.2.3. **Push for tower space on government land, buildings and defence land, and faster RoW approval.**

6.2.4. **Address issues of interference from illegal wideband radios, especially intra-country and cross border.**

6.2.5. **Expeditious Spectrum Harmonisation.**

6.3. **The existing QoS monitoring benchmarks are aligned to international standards and hence considered adequate and need no further tweaking in terms of introduction of any financial disincentives / compensation to the customers for dropped calls.**

Q2. Do you agree that calling consumer should also be compensated for call drops by the access service providers? If yes, which of the following methods would be appropriate for compensating the consumers upon call drop:

(i) Credit of talk-time in minutes/ seconds

(ii) Credit of talk-time in monetary terms

(iii) Any other method you may like to suggest

Please support your viewpoint with reasons along with the methodologies for implementation.

Q3. If the answer to the Q2 is in the affirmative, suggest conditions/limits, if any, which should be imposed upon the provision of crediting talk-time upon call drop and usage thereof.

Our Response

We do not agree that calling consumer should also be compensated for call drops by the access service providers.

1. As brought out in our response to question 1, in the hyper competitive market scenario as prevalent in India,

- 1.1. TSPs need to leverage a volume based model for business which dictates that firstly, calls must materialize in the first attempt and secondly, they must not be dropped midway leading to customer dissatisfaction.
- 1.2. Therefore, TSPs make their best endeavors to avert call drop and provide quality service especially.
- 1.3. For Inter-network calls that get dropped due to the fault in call terminating network, the call originating network shall still incur expensed on account of termination. Any methodology adopted to compensate the consumer shall lead to losses for the call originating network.
2. Additionally, it is brought out that the examples of International operators compensating their customers for dropped calls, as quoted by TRAI in the CP, is their respective voluntary marketing strategy and not mandated by the Regulations. Therefore, it is felt that mandating any compensation by way of Regulation would be unjustified.
3. **Notwithstanding the above, it is submitted that in the past 2 months, DoT has initiated steps, like helping in obtaining permissions to install mobile towers over government buildings, hospitals, etc. These steps would facilitate deployment of additional BTSs leading to better radio illumination of the coverage area. In light of this development, it is felt that it would be prudent to provide the TSPs a gestation period of six months for fructification of their efforts post exploitation of these initiatives and then review the situation before taking any decision on compensation issue.**

Our Recommendations

4. **In view of the above, it is felt that,**
 - 4.1. **There is no need to mandate TSPs to compensate subscribers for dropped calls.**
 - 4.2. **The TSPs should be provided a gestation period of 6 months for fructification of their efforts post exploitation of the DoTs initiatives of permitting erection of towers over government buildings, hospitals, etc.**

Q4. Is there any other relevant issue which should be considered in the present consultation on the issue of call drops?

1. TRAI to balance their recommendations for the consumers as well as TSPs.
2. As has been demanded by the TSPs, telecom services should be given the status of **essential services** to facilitate availability of uninterrupted power supply to BTSs.
3. Single window clearances and Uniformity of levies across the entire country for the following.
 - (a) Tower site acquisition.
 - (b) Tower site rentals.
 - (c) Laying of OFC.

- (d) ROW.
- 4. Country Wide Permission for infrastructure buildup, especially erection of towers in,
 - (a) Cantonment areas.
 - (b) Govt. buildings.
 - (c) Luyten Zone in Delhi, Navy Nagar in Mumbai.
- 5. Permission for installation of IBS in government buildings.
- 6. Mandatory implementation of IBS and its sharing in all buildings.
- 7. Introduction of stringent laws and regulations, including heavy compensation, for uncoordinated digging activities resulting in disruption of terrestrial links.
- 8. Rational RoW policy as mentioned in TRAI Recommendations dated 12 April 2011 should be implemented.