

Aircel/TRAI/Corr/2015/ 76
May 26th, 2015

The Secretary
Telecom Regulatory Authority of India
MTNL Telephone Exchange Building
Jawahar Lal Nehru Marg (Old Minto Road)
New Delhi – 110 002

Sub: Response to the Draft Telecom Consumer Protection (Eight Amendment) Regulation, 2015

Dear Sir,

This is with reference to The Draft Telecom Consumer Protection (Eight Amendment) Regulation, 2015 dated 29th April'2015.

In this regard, please find enclosed Aircel's response to the above mentioned Draft amendment to the Telecom Consumer Protection Regulation. This response is also being sent through email at advqos@traigov.in;

We hope TRAI will take our inputs into consideration while taking a decision on the draft Amendment.

Yours Sincerely
For Aircel Group



Ramesh K
Sr. General Manager –Corporate Regulatory Affairs

Encl: as stated above (Total Pages 4)

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Aircel Group Response to TRAI's Draft Telecom Consumers Protection (Eighth Amendment) Regulations, 2015

Proposed Amendment 1:

Regulation 1(2): They shall come into force after thirty days from the date of their publication in the Official Gazette.

Aircel Response: In the present network & IT architecture, it is not possible to implement changes within 30 days. Considering the technical changes, new deployment and developments required to meet the changes proposed vide draft Regulation, it would need atleast 6 months to implement the same.

Proposed Amendment 2:

10A.Information to consumers on data usage---- (1) Every service provider shall, through SMS or USSD, provide to all subscribers of the Cellular Mobile Telephone Service, on whose mobile phone data services are activated, except those subscribers who have availed data plan through special tariff vouchers or combo vouchers or add-on pack, after every five thousand kilobytes of data usage, the quantum of data used during the validity period or -billing cycle and the tariff for such usage of data.

Aircel Response: We understand that the above prescribes for two actionable i.e. firstly that information is to be sent after 5000 KBs of data usage and secondly, the information should contain the quantum of data used during the validity period.

It is prudent to highlight the tariffs which had been and is being offered by Aircel (perhaps by most of the operators) in the Pan-India licensed service areas. The customers get base tariff while activation or can also get different tariffs through numerous Plan Vouchers available in the market. Under TRAI telecom tariff order, the base tariffs should not have validity for less than 6 months and a practice, the tariffs available have quite longer tariff and SIM validity, like 1 year, lifetime etc.

Considering such long validity periods, it would not be possible to provide information of quantum of data used during the validity period of consumer or the tariff for such accumulated data consumption. Further, it would be equally inconvenient to customer to understand the information and make out the current usage being made.

Instead, we would like to draw your attention towards the other provisions of TCP regulation vide which we are providing information to the prepaid consumer after every data session, which includes quantum of data used, charges deducted and remaining account balance. Consumers on base tariff charging do not consume much data as such, there is no need to give any separate alert. We feel this is sufficient for

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consumer information and serves the objective and at the same time doesn't put consumer to any inconvenience.

Therefore, we request TRAI to continue with the existing usage information requirements for prepaid and same can be implemented for postpaid as well.

Proposed Amendment 3:

10A.Information to consumers on data usage

(2) Every service provider shall, through SMS or USSD, provide to the consumer, who has taken data plan through Special Tariff Voucher or Combo Voucher or add-on pack, or whose tariff plan provides for free or discounted tariff for data usage upto a certain limit, an alert each time immediately after consumption of fifty percent of the data, ninety percent of the data and hundred percent of data available to the consumer under the Special Tariff Voucher or Combo Voucher or add-on pack or the tariff plan, as the case may be:

Provided that after the consumer has used ninety percent of data, the service provider shall also provide him, through SMS or USSD, the details of the tariff applicable on the usage of data beyond the quantum of data available to him under the special tariff voucher or combo voucher or add-on pack or the tariff plan, as the case may be.

Aircel Response: Such limit based alert should be provided for the packs wherein data benefit provided is > 1 GB. For such alerts to be provided for packs having data benefit less than <1GB would have adverse impact and cause inconvenience to the customers. There are daily/weekly/monthly packs available in the market and for consumers who choose daily/weekly packs with low data benefit; they would get continuously disturbed with such alerts.

Therefore we request TRAI that such alerts should only be for packs having data benefit of >1 GB.

Proposed Amendment 4:

10A.Information to consumers on data usage

(3) Every service provider shall, through SMS or USSD, provide to the consumer, having international roaming facility on his mobile connection, an alert, immediately after the consumer roams outside the territory of India, advising him to deactivate the data services in his mobile phone if he does not want to use data services while roaming outside the country

and

(4) Every Cellular Mobile Telephone service provider shall send an SMS to the consumer, on whose Cellular Mobile Telephone connection the data service is activated, an SMS at periodic interval not exceeding six months, informing him about the procedure for deactivation of data specified in schedule.

Aircel Response:

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We agree with the requirement.

Proposed Amendment 5:

10A.Information to consumers on data usage

(2) Every Cellular Mobile Telephone Service provider shall provide toll free short code 1925 for receiving request of the consumer for activation and deactivation of data service.

(3) The consent of the consumer, referred to in sub-regulation (1), shall be obtained in accordance with the procedure specified in schedule.

Aircel Response:

In this regard, we would like to urge TRAI not to go ahead with its proposed requirement of consent of subscriber for data services through short code 1925, as it would be detrimental for the data services uptake, inconvenient to subscribers as well as against the interests of operators. We would like to offer our views as following:

1. **Consent of Internet services through written mode (CAF):** Presently, the data services is being provided to the customer as a core service, bundled with other core services like voice and SMS and the consent of subscriber is taken through the Customer application form. You would appreciate that written mode for subscribing to services is a valid and legal mode and removing the same would be unfair, illegal and also put subscribers to huge inconvenience.

In case required, a separately visible block can be created for data services in the CAF.

2. **1925 as Deactivation and reactivation mechanism:** Under discussion with TRAI earlier, we have developed mechanism to deactivate the data services through short code 1925. This would have catered to the complaints from the customers who would have wanted to deactivate the data services to avoid any accidental usage. While the mechanism has been developed but, the same could not be publicized as it is not allocated to operators under National Numbering Plan. We request TRAI to help us in getting the same allocated from DoT, for the purpose.

We earnestly believe that allowing operation of this code for deactivation and reactivation, with adequate publication to consumers, would help contain the consumer complaints, if any. This will also be consumer friendly and would not put regular internet users to any inconvenience. We request TRAI to kindly allow this to be publicized for next few months and evaluate the number of deactivation requests being received and the reduction in complaints.

Additionally, we would be creating awareness of this code through various means like:

- a) Website
- b) Periodic SMS blast
- c) SMS after new mobile connection activation.

3. **Negligible Complaints of Accidental data usage as compared to complaints for data settings:** We would like to state that at one side the telecom sector is pushing for digital India and

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providing the consumers with Internet connectivity, it would be a retrograde step to ask consumers for separate activation mechanism post written consent through CAF.

It is pertinent to highlight that we have received negligible complaints from consumers regarding accidental usage of data services. Infact, we receive around 50,000 calls from consumers enquiring for settings/queries to get online, on a monthly basis. This indicates that large section of consumers are concerned about early usage of internet services rather to be put to inconvenience through a separate activation process.

We believe such process of activation through short-code, even if it removes the small amount of complaints from accidental users, it would surely raise the number of complaints to a disproportionate high level, from the customers who intend to use the data services.

4. **Separate consent through short code not to apply to data pack users:** The subscription of data packs by the customer is done willfully and clearly indicates that the customer is fully aware of the pack benefits/tariffs of the pack he is subscribing to. Such subscription by the customer also indicates the fact that the activation is purposeful and the customer is intelligent enough to ascertain the way in which he would want to use the data pack. Hence, any additional step in the activation of data packs will seriously lead to a lot of inconvenience to the customer and will also not lead to any value addition so far as the service experience is concerned as it will only lead to unnecessary data processing at operator end thereby delaying the activation of data services. Therefore, considering the customer ease and to maintain the service experience, we request TRAI to exempt the data pack users from any separate consent through short code.
5. **Anti-Bill shock practices:** As a responsible operator we have implemented various practices to avoid bill shocks to our consumers. One such measure is provisioning of free data for a limited period ranging from 30 to 90 days. We have launched such Plan Vouchers in circles like Delhi, Mumbai, Punjab, Rajasthan, Himachal Pradesh where free data ranging from 100 MB to 1GB is provided to the customer. Therefore, any consumption beyond say 1 to 2 MB is enough to substantiate the fact that such subscribers are frequent data users and would eventually subscribe to data packs once the free access is consumed.

Submissions regarding proposed amendment no. 5:

- A separate check box may be placed on the CEF seeking customer input in case data services are not required by the subscriber.
- The short code 1925 to be implemented as Deactivation and reactivation mechanism and operators to create adequate awareness for consumers.
- No separate consent should be mandated for data pack users.

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