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Ref: RP/FY 15 - 16/ 115/ 010

Dated: 10th February, 2016

To,
Sh Arvind Kumar
Advisor (NSL),
Telecom Regulatory Authority of India
Mahanagar Door Sanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi – 110 002.

Subject: Bharti Airtel Limited's Response to the Draft Direction on delivering broadband services in a transparent manner

Dear Sir,

This is with reference to your above mentioned draft direction. In this regard, please find enclosed our response for your kind consideration.

Thanking You,
Yours' Sincerely,

For Bharti Airtel Limited

A handwritten signature in blue ink, appearing to read 'Ravi P. Gandhi', is written over a horizontal line.

Ravi P. Gandhi
Chief Regulatory Officer

Bharti Airtel's response On TRAI's Draft Direction on Delivering Broadband Services in a Transparent Manner

We are thankful to the Authority for giving us an opportunity to provide our comments on the draft direction related to delivering broadband services in a transparent manner.

We welcome the customer friendly initiative of the Authority for prescribing the relevant information to the subscribers. However, there are some issues regarding customer convenience, availability of technology in case of mobile subscriber and some overlap with the existing regulation. Our Para wise comments are as under:

I. Clause 4(a) provide on their website and also in all advertisements published through any media, the following information in respect of all broadband tariff plans offered under Fair Usage Policy:

(A) for Fixed broadband service:

- i. data usage limit with specified speed;**
- ii. speed of broadband connection upto specified data usage limit; and**
- iii. speed of broadband connection beyond data usage limit;**

Response:

We are in agreement with the above clauses.

(B) for Mobile broadband service:

- i. data usage limit with specified technology (3G/4G) for providing services;**
- ii. technology (3G/4G) offered for providing broadband services upto specified data usage limit; and**

Response:

It appears that Clause 4(a)(B)(i) & Clause 4(a)(B)(ii) are referring to the same aspects – (1) Data Usage Limit & (2) technology offered for providing service upto the specified 'data usage limit'. Hence it is recommended that these clauses could be merged into a single clause.

There may be cases when there is a fall back on lower technology and therefore, even though technology offered may primarily be offered as 3G/4G and the pack may be labelled as a 3G/ 4G pack, the fall back may be there on 3G/ 2G depending upon availability of the technology. Hence, there should be a provision in this clause that in case of non-availability of specified technology at any location, there can be a fall back on lower technology.

iii. technology (2G/3G/4G) offered for providing broadband services beyond data usage limit:

Response:

It is submitted that beyond the data usage limit, we can specify the maximum speed to be provided to the customer and not the technology. Since, promised data quota is being offered on promised technology; once, the quota is expired, a service provider should be allowed to throttle the speed. Hence, specifying technology may not be a tenable requirement.

Thus, the clause 4 (a) part B should be revised as follows:

- i. data usage limit with specified technology (3G/4G) as primary technology option for providing services;**
- ii. technology (3G/4G) offered as primary technology option for providing broadband services upto specified data usage limit; and**
- iii. Maximum download speed offered for providing internet services beyond data usage limit.**

II. Clause 4 (b): provide information specified in para (a) above to both new and existing subscribers on their registered email address and through SMS on their mobile number registered with the service providers;

Response:

It is submitted that choice may be given to the operator either to provide information on subscriber's registered email address or through SMS on the mobile number registered with the service provider. Also, this information would be provided in line with the revised clause 4 (a) part B suggested by us.

Hence, the clause 4(b) should read as under:

“Provide information specified in para (a) above to both new and existing subscribers on their registered email address or through SMS on their mobile number registered with the service providers.”

III. Clause 4(c) ensure that download speed of broadband service provided to the fixed broadband subscriber is not reduced below 512 kbps in any broadband tariff plan;

Response:

There can be two types of Broadband plans – (i) Fair Usage Plans (ii) Limited data plans.

(i) Fair usage plans:

In case of fair usage plans, the subscriber remains a broadband subscriber till the expiry of his assigned quota. Beyond the assigned quota, it cannot be the prerogative of the customer to keep on accessing data at the defined broadband speed. Hence, a service provider should be free to throttle the speed to 64kbps after the expiry of assigned data limit to the customer.

In fact, it has been observed that some customers misuse the minimum broadband speed provision and tend to overuse the data limit in their quota. Thus the cost increases for all customers due to higher usage at 512 kbps. As a result, we are forced to keep the price at a higher threshold for every customer. Therefore, if broadband has to become affordable in the country, ideally, the Authority should not mandate any broadband speed after exhaustion of quota. However, if the Authority wants to fix a speed limit is after the expiry of quota, it may be fixed at 64kbps.

(ii) Limited plans:

In case of limited plans, where only a fixed data quota is provided, there cannot be any mandate for providing minimum speed. Therefore, in case of limited plans, the broadband connection will be turned off after the expiry of quota.

Therefore, clause 4(c) should be revised as under:

Ensure that download speed of broadband service provided to the fixed broadband subscriber is not reduced below 64 kbps in case of Fair usage broadband tariff plan after expiry of assigned data quota of the customer.

IV. Clause 4(d) provide alert to the subscriber when his data usage reaches eighty percent of the data usage limit under his plan and ensure that such alert is provided to the fixed broadband subscriber at each login after data usage crosses the said limit of eighty percent;

Response:

Giving pop up alerts on every login after data usage crosses the quota limit of 80% may result into consistent irritant for customers and lead to spike in customers' complaints due to inconvenience. Further, most of the fixed broadband customers are accessing Broadband services over Wi-Fi mode (always on connections) and the connection is being shared amongst many users/ devices. Hence, it is submitted that only an alert requirement may be provided through SMS or e mail in case of 80% limit.

Therefore, clause 4(d) should be revised as follows:

Provide alert to the subscriber through SMS or e mail, when his data usage reaches eighty percent of the data usage limit under his plan.

V. Clause 4(e) send alert to the subscriber either through SMS or Unstructured Supplementary Service Data (USSD) on his mobile number, registered with the service provider or to his registered email address, each time when the data usage by the subscriber reaches eighty percent and hundred percent of the data usage limit under his plan- and furnish compliance report by the (date).

Response:

We are in agreement with the above clause in case of fixed broadband subscribers. However, in case of mobile customers, there are technical constraints in case of prepaid customers for providing the alert on the basis of percentage of data left out of data quota. However, alert on the basis of absolute data left can be provided for prepaid customers. These concerns were expressed even during the formulation of TCPR regulation - Telecom Consumer Protection Regulation (8th amendment), where

in these limitations were considered by the Authority and a choice was provided to the service providers.

In line with the choice given to us, we have implemented the alert based on percentage of data consumed in case of postpaid customers; whereas in case of prepaid customers, alerts are provided basis on the basis of balance data available in data quota.

Hence the clause 4(e) of the draft direction should be revised as follows:

Send alert to the subscriber either through SMS or Unstructured Supplementary Service Data (USSD) on his mobile number, registered with the service provider or to his registered email address, each time when the data usage by the subscriber reaches fifty percent, ninety percent and hundred percent of the data usage limit under his plan or when the quantum of data available in account of the customer reaches 500 MB, 100 MB or 10 MB- and furnish compliance report by the (date).

It is requested that the Authority may kindly take a note of fact that implementation of the Draft Regulations requires system development and therefore, the Authority may kindly provide three months' time period for implementation of this direction from the date of issue.
