Citycom Networks Pvt Ltd response to TRAI Pre-consultation paper dated 30th May 2016 on "Net Neutrality"

Introduction:

Broadband penetration is very low in India and there is need that large players with deep pockets do not control Internet flow as this would slow Broadband penetration. After broadband reaches significant level , there may be review. TRAI has already recognized the need for Quick growth of Broadband.

The Internet has evolved over time and will continue to do so. Internet is a very democratic medium, but not one without advantages for the major players. There is need to maintain that internet should foster development and deployment of new services and content offerings. Regulation has to ensure that the Internet remains an open platform for innovation and a dynamic medium. It is important and critical to note here that TSPs as a term includes ISPs as well.

Question wise response is as below ;

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1) What should be regarded as the core principles of net neutrality in the Indian context? What are the key issues that are required to be considered so that the principles of net neutrality are ensured?

Citycom response:

It should preserve the factors that have allowed the Internet to serve as a platform for innovation and growth: −

- User choice: Users independently choose which applications they want to use, without interference or coercion
- Innovation of services should be without hindrance. The regulatory framework may prescribe rules that should not restrict TSPs/ISPs to innovate products and charging for the same is such that there is no differentiation of packet flow based on specific preferred content provider or for selected users

2) What are the reasonable traffic management practices that may need to be followed by TSPs while providing Internet access services and in what manner could these be misused? Are there any other current or potential practices in India that may give rise to concerns about net neutrality?

Citycom response:

We submit that the traffic management is required to maintain, protect, and ensure the efficient operation of a network. The regulation should allow managing congestion or protecting the security of a network. The Service providers should be allowed to exercise the following method of traffic management:

- Application-agnostic congestion control being a legitimate requirement from the service providers.
- The measures taken by Service providers to prevent any kind of security attacks in order to maintain the security and integrity of the network.

3) What should be India's policy and/or regulatory approach in dealing with issues relating to net neutrality? Please comment with justifications.

Citycom response:

The Net Neutrality principle restriction should enable all broadband service providers to provide efficient services. Vibrant broadband echo system, that enables all service providers whether small, medium and large, would enable competitive service offering in urban, semi urban and rural areas.

Periodical discussion with service providers on efficacy of Net Neutrality Principles would help.

4) What precautions must be taken with respect to the activities of TSPs and content providers to ensure that national security interests are preserved? Please comment with justification.

Citycom response:

The present measures in the Information Technology Act 2008 and the Licensing terms & conditions should be applicable for TSPs Content providers/aggregators/OTTs as well to ensure National security.

With regard to content/OTT application providers, same service same rules need to be followed.

5) What precautions must be taken with respect to the activities of TSPs and content providers to maintain customer privacy? Please comment with justification.

Citycom response:

The present measures in the Information Technology Act 2008 and the Licensing terms & conditions will be sufficient on ISPs/TSPs to safe guard privacy and customer data protection.

With regard to content/OTT application providers,' SAME SERVICE; SAME RULES' should apply.

6) What further issues should be considered for a comprehensive policy framework for defining the relationship between TSPs and OTT content providers?

Citycom response:

As stated above ' Same Service; Same Rule' needs to be followed. The regulatory framework of Net Neutrality should not be limited to TSPs only, but to other stakeholders such as website, content/applications providers and handset/Consumer Premise Equipment (CPE) manufacturers. While TSPs are subjected to strict data privacy rules and sharing of consumer data, the other stakeholders are not subjected to such rules. Hence, a uniform policy for all stakeholders in Internet eco-system i.e. TSPs, handset/CPE manufacturers and content/application providers is required. There should be no barring or enabling preferential access in handsets/CPEs without the knowledge of user and enabling/disabling by user. User only should have choice and control over services.

Same service, same rules between the OTT Communication Service Providers and TSPs are required in the context of national security, contribution to national exchequer in the form of regulatory levies/taxes, data privacy rules, etc. Any regulation on OTT communication service provider and/or charging of underlying data services should follow the principle of Same Service, Same Rules.

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