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Fwd: IDEA CELLULAR RESPONSE TO TRAI'S CP ON ISSUES RELATED TO CLOSURE OF ACCESS SERVICE

Sanjeev Banzal, Advisor TRAI <advmn@traigov.in>

Tue, Feb 7, 2017 at 10:05 AM

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----- Original Message -----

From: **Gagandeep Bajaj** <gagandeep.bajaj@idea.adityabirla.com>

Date: Feb 6, 2017 11:59:51 PM

Subject: IDEA CELLULAR RESPONSE TO TRAI'S CP ON ISSUES RELATED TO CLOSURE OF ACCESS SERVICE

To: "advmn@traigov.in" <advmn@traigov.in>

Cc: Rahul Vatts <rahul.vatts@idea.adityabirla.com>, Gagandeep Bajaj <gagandeep.bajaj@idea.adityabirla.com>

Kind Attention: Advisor (NSL-II)**Dear Sir,**

Idea Cellular welcomes the initiative of the Authority to come out with this Consultation Paper on issues related to Closure of Access Services. We would like to make the following summary submissions on various issues highlighted in the paper:

A. Given some of the recent precedents of discontinuity of service by the TSPs for various reasons as described in the CP, issues raised by the Authority in this paper are pertinent. However we are of the view that there is no need to make any changes in the UL with respect to the operational timelines and the same can be resolved with separated guidelines notified by DoT/TRAI.

B. It is submitted that there is a justifiable need for modification in UASL & CMTS license in line with clause 30.3 (b) of UL. This is because with advancement in technologies and continuously changing customer expectations and usage patterns, it is imperative to maximise usefulness of the existing spectrum holding by upgrading it to latest technology. As rightly pointed out in the CP, both UASL and CMTS licenses today contain the provision of surrendering license but not of discontinuing service. Given the various possibilities that can impact continuity of access services, it is but necessary that a similar provision be made in the UASL and CMTS licenses as well for the purposes of parity and clarity.

C. Idea Cellular is of the opinion that discontinuation of particular technology should not be treated same as discontinuation of any of the services as under a Service Authorization as per Clause 30.3(b) of UL... This is because discontinuation of services and discontinuation of a technology are two different things.

D. It is also submitted that the advance notice period of 30 calendar days as mentioned in the License for intimation to customers prior to closure of services needs to be maintained at the same level. This is because most packs come with a validity of approximately 30 day and that should prove sufficient for a subscriber to completely utilize all existing balance and pack benefits.

E. Lastly, we do not support any changes in the current MNP Regulation for the purpose of bulk porting out of subscribers in the event of closure of access services or change of access technology by a TSP. The current MNP process should be followed and there is no need for any separate process.

In view of the above, please find enclosed herewith our detailed submissions as Annexure A.

We earnestly believe that the Authority will give due-consideration to our detailed submissions before deciding on its way forward.

Should the Authority require any clarifications or further information on the positions set out in this response, please do not hesitate to contact us.

Thanking You,

For **IDEA Cellular Limited**

Gagan Deep Bajaj

General Manager– Regulatory & Corporate Affairs

IDEA Cellular Limited

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Annexure A

IDEA CELLULAR RESPONSE TO TRAI'S CP ON ISSUES RELATED TO CLOSURE OF ACCESS SERVICE

Preamble:

Idea Cellular welcomes the initiative of the Authority to come out with this Consultation Paper on issues related to Closure of Access Services. We would like to make the following summary submissions on various issues highlighted in the paper:

- A. Given some of the recent precedents of discontinuity of service by the TSPs for various reasons as described in the CP, issues raised by the Authority in this paper are pertinent. However we are of the view that there is no need to make any changes in the UL with respect to the operational timelines and the same can be resolved with separated guidelines notified by DoT/TRAI.
- B. It is submitted that there is a justifiable need for modification in UASL & CMTS license in line with clause 30.3 (b) of UL. This is because with advancement in technologies and continuously changing customer expectations and usage patterns, it is imperative to maximise usefulness of the existing spectrum holding by upgrading it to latest technology. As rightly pointed out in the CP, both UASL and CMTS licenses today contain the provision of surrendering license but not of discontinuing service. Given the various possibilities that can impact continuity of access services, it is but necessary that a similar provision be made in the UASL and CMTS licenses as well for the purposes of parity and clarity.
- C. Idea Cellular is of the opinion that discontinuation of particular technology should not be treated same as discontinuation of any of the services as under a Service Authorization as per Clause 30.3(b) of UL... This is because discontinuation of services and discontinuation of a technology are two different things.
- D. It is also submitted that the advance notice period of 30 calendar days as mentioned in the License for intimation to customers prior to closure of services needs to be maintained at the same level. This is because most packs come with a validity of approximately 30 day and that should prove sufficient for a subscriber to completely utilize all existing balance and pack benefits.

E. Lastly, we do not support any changes in the current MNP Regulation for the purpose of bulk porting out of subscribers in the event of closure of access services or change of access technology by a TSP. The current MNP process should be followed and there is no need for any separate process.

In view of the above, our submissions to the queries raised in the CP are as follows:

IDEA SUBMISSIONS ON ISSUES FOR CONSULTATION

Q.1 Is there a need for modification of the UASL and CMTS licences in line with Clause 30.3(b) of UL, for those licensees who have liberalized their administratively allocated spectrum?

Idea Submission:

It is submitted that there is a justifiable need for modification in UASL & CMTS license in line with clause 30.3 (b) of UL.

This is because with advancement in technologies and continuously changing customer expectations and usage patterns, it is imperative to maximise usefulness of the existing spectrum holding by upgrading it to latest technology. As rightly pointed out in the CP, both UASL and CMTS licenses today contain the provision of surrendering license but not of discontinuing service. Given the various possibilities that can impact continuity of access services, it is but necessary that a similar provision be made in the UASL and CMTS licenses as well for the purposes of parity and clarity. Hence, there a need for modification of the UASL and CMTS licences in line with Clause 30.3(b) of UL.

However, it is also submitted that liberalization of administratively held spectrum need not be a pre-condition/reason to modify the UASL/CMTS licenses. Further, it is requested that the Clause 30.3(b) of the Unified Licence be amended to the extent of deleting the line, “*The Licensor reserves the right to reject such request*”. This is because the clause allows TSPs to discontinue their services after due intimation to DoT, TRAI and their subscribers, and within that context, the said line is neither relevant nor business friendly.

Q.2 should discontinuation of services being provided through a particular technology, say CDMA, be treated same as discontinuation of any of the service under a Service Authorisation as per Clause 30.3(b) of UL? Please provide details along with justification.

Idea Submission:

Idea Cellular is of the opinion that discontinuation of particular technology should not be treated same as discontinuation of any of the services as under a Service Authorization as per Clause 30.3(b) of UL... This is because discontinuation of services and discontinuation of a technology are two different things.

In times of ever evolving mobile technology, device eco-system, it is imperative that service providers would be required to constantly work to upgrade their network technologies to cater to changing customer expectations. This would naturally entail interventions such as liberalisation of administratively allocated spectrum and continuing provisioning of services to customers with a different technology (*say, from CDMA to LTE*), or a change of use of bands and provisioning of services within the same technology (*For e.g shift in 4G services from 1800 Mhz to 900 Mhz under GSM*), etc. Under such conditions, customers might be required to make fresh investments in terms of devices or new tariff plans to continue their services with the existing service provider for better overall experience.

It is submitted that in a situation where a licensee continues to provide the access services but changes the technology deployed, the conditions in the NIA relating to change of technology become applicable. For example in case of a change of technology, If the Access Service provider decides to change the technology (*say, from CDMA to LTE*), its subscribers will also need to migrate either to the new technology or to other access service provider. While it is also true that it is likely to result in the closure of access services for a few subscribers who are unable to pay the price i.e. tariff change and/or change of mobile device, it does not result in a assured service disruption for all the subscribers, and hence cannot not be treated at par with “discontinuation/closure of service” that results in a complete service disruption for all.

In such a scenario of discontinuation of technology, the subscribers would have to be notified via SMS/other possible sources of communication informing them timely of the change in technology and all

the options available to them – such as avail of the new technology if facilitated by the existing handset, change of mobile device to stay with the TSP or to avail MNP Services to port to a TSP of their choice. In case the customer opts for Port-out, the choice of the new access provider would be at the discretion of the subscriber.

On the other hand, discontinuation/closure of services and surrender of license has the same resultant effect for the consumer i.e., an assured service disruption. Hence, both need to be treated at par with each other. Further, it is pertinent that in case of withdrawal of service, the conditions prescribed in the respective Service License, such as those as per Clause 30.3(b) of UL need to be followed.

Q.3 What other conditions in these licenses be modified so as to keep pace with the developments? Please justify your answer.

Idea Submission:

As already submitted, there a need for modification of the UASL and CMTS licences in line with Clause 30.3(b) of UL. Further, it is requested that the Clause 30.3(b) of the Unified Licence be amended to the extent of deleting the line, “*The Licensor reserves the right to reject such request*”. This is because the said clause allows TSPs to discontinue their services after due intimation to DoT, TRAI and their subscribers, and within that context, the said line is neither relevant nor business friendly.

Q.4)

(a) Is there a need to define a time-limit for DoT to take into its records the prior intimation given by TSPs regarding the spectrum trading? Please suggest time-lines for different activities within the Spectrum Trading Process.

Idea Submission:

We believe that there is a need to have defined timelines on similar lines as proposed by the Authority on 28th Jan 2014 by the Authority for ‘Process of Spectrum Trading’. The absence of timelines for various activities can lead to uncertainty around the entire process as the licensee would not be sure about the fate of its spectrum trading proposal.

The suggested timelines are stated below

- *Both the trading parties shall jointly give a prior intimation of 4 weeks before the effective date of the trade to the Wireless Planning and Coordination (WPC)*
- *The WPC may object to the trade and inform the reasons of objection to the trading parties in writing within a maximum period of one week from the date of intimation of spectrum trade*
- *The trading parties will reply to the WPC within a maximum period of one week from the date of receipt of intimation regarding the objection from the WPC. The WPC will take a final decision and communicate within the next two weeks to the trading parties*
- *The WPC shall update its record regarding transfer of spectrum within a maximum time of one week after the effective date of trade.*
- *Intimation regarding the trading shall be provided by the buyer and seller to the Licensor, TRAI and any other relevant agencies prescribed by the Government from time to time within 30 days from the effective date of transfer of spectrum*

(b) Should the advance notice period to subscribers' be enhanced from 30 days period to say, 60 days, in case of closure of services so that a subscriber has sufficient time to consume his talk time balance? Please provide justification to your response.

Idea Submission:

It is submitted that the advance notice period of 30 days need not be enhanced to 60 days. Most packs come with a validity of approximately 30 days, and we feel that 30 calendar days should prove sufficient for a subscriber to completely utilize all existing balance and pack benefits.

Further, the requirement of notifying entire subscriber base by sending a 30 Calendar days' notice to each of them is already mentioned as part of the UL, and hence should not ideally be tinkered with.

(c) If a TSP is selling its entire spectrum in the LSA and intends to discontinue its access services being provided to its subscribers, should the TSP give the 60 days' advance notice to Licensor, TRAI and its subscribers, only after the spectrum trading is acknowledged by DoT/WPC as suggested in Para 23?

Idea Submission:

Idea Cellular submits that in case a TSP is selling its entire spectrum in the LSA and intends to discontinue its access services being provided to its subscribers, it should give 60 days' advance notice to Licensor and TRAI only after the spectrum trading is acknowledged by DoT/WPC as per the timelines suggested earlier under Q 4(a). However, for the subscribers, as already submitted, a notice period of 30 calendar days should prove sufficient for utilization of all existing balance and pack benefits, and hence the same need not be increased.

Extension of Notice to Licensor, TRAI and its subscribers, only after the spectrum trading is acknowledged by DoT/WPC will ensure that there is no ambiguity, and resultant confusion for the TSP and its subscribers.

(d) Give any other suggestion to improve the existing Spectrum Trading Process.

Idea Submission:

We have no additional comments.

Q.5 What mechanism should be put in place to ensure that subscribers are informed about the closure of services/change of access technology transparently and effectively by the TSPs?

Should TSPs be directed to follow a specified mode of communication(s) as detailed in para 30 for informing subscribers or what could be other mode of communications?

Idea Submission:

It is submitted that the TSPs currently take various initiatives as follows to ensure that subscribers are informed in case of closure of services / change of access technology. These are:

- SMS, SIVR and OBD
- Dissemination of information through regional & vernacular newspaper and press releases / website.

There is thus no need for a separate regulatory mandate.

Q.6 Will it be appropriate that the responsibility of verification of time-period elapsed since the last porting (i.e. 90 days period) be shifted from MNPSP to the Donor Operator so that subscribers' port-out requests are accepted irrespective of his age on network in case of closure of services?

Idea Submission:

Idea Cellular firmly supports the exception to the 90 days lock-in period in case of port-outs due to closure of services. Thus the responsibility of verification of time-period elapsed since the last porting (i.e. 90 days period) be shifted from MNPSP to the Donor Operator so that subscribers' port-out requests are accepted irrespective of his age on network in case of closure of services.

Q.7 In case a TSP changes the access services technology and asks his subscribers to migrate to newer technology, should the tariff protection, carry-over of unused talk-time balance and benefits be extended to such subscribers upon migration to new technology for the contracted period?

Idea Submission:

It is submitted that in cases where a TSP changes the access services technology and requests his subscribers to migrate to newer technology, it should definitely provide customers with the facility of tariff protection, carry-over of unused talk time and other benefits upon migration of the customer to the new technology.

Q.8. How much time period should be given to the subscribers to port-out after closure of commercial services i.e. for how long the system should remain active to facilitate porting? Should the validity of the UPC in such cases coincide with such time period?

Idea Submission:

It is submitted that upon announcement of closure of commercial services, subscribers are allowed 30 days to port out to a new service provider. The affected subscribers can generate UPC during this entire period as per the current process.

Post closure of commercial services, the system can be kept active for a maximum of another 30 days to facilitate porting.

There should be no change in the validity period of the UPC and the same should continue to be 15 days as at present.

Q.9 What other changes should be made in the MNP Regulation to ensure smooth bulk porting-out of the subscribers in the event of closure of access services or change of access technology by any TSP?

Please provide justifications to your answers.

Idea Submission:

We do not support any changes in the current MNP Regulation for the purpose of bulk porting out of subscribers in the event of closure of access services or change of access technology by a TSP. The current MNP process should be followed and there is no need for any separate process.

Q.10 Will it be appropriate that the change of technology within a licensee (TSP in a given LSA) be removed from the definition of MNP?

Idea Submission:

It is submitted that a change of technology within a licensee (TSP in a given LSA) should not be included under the definition of MNP as the TSP remains the same. The Authority has rightly pointed out that technologies are overlapping and subscribers need to continuously roam from one technology to another. If a customer has to move from one TSP to another TSP providing the technology supported by his/her mobile device as he does not want to adapt to the changed technology, he will have to do so via the MNP process.

Q.11 Is there a need for an alternative mechanism to MNP for bulk transfer of subscribers from one TSP to other TSP(s)? If yes, please give suggestions.

Idea Submission:

It is reiterated that the current MNP process should be followed for all transfers from one TSP to other TSP(s) and there should be no alternative mechanism for bulk transfers.

Q.12 Should a TSP be allowed to transfer its subscribers, who have not been able to port-out to other TSPs before closure of service, to another TSP whenever the services being rendered by that TSP are going to be discontinued? What can be associated issues and challenges? Please provide details.

Idea Submission:

It is submitted that a TSP should not be allowed to migrate its subscribers (*who have not been able to port-out to other TSPs before closure of service*) to another service provider as it may lead to unwarranted practices and customers may suffer. MNP is at the discretion of a subscriber and should only take place at the instance and choice of each individual subscriber. Thus any TSP should not be allowed to transfer its subscribers without customer's consent and the choice to port out must be with the individual subscriber to choose his/ her network of choice.

Any movement across TSPs should only happen as per the predefined processes and through the use of the UPC generated by the subscriber. It is further submitted that the number of subscribers on a TSP's network is huge and any bulk migration or porting activities are bound to create issues for subscribers.

It is submitted that a TSP closing down its services would be giving 30 calendar days' intimation to its subscribers to port out. In addition, as per our recommended process, only for the purpose of facilitating port-outs, the system would remain live for an additional 30 days. A total period of 60 days (30+30) days is sufficient window for a customer to port out to another TSP.

It is possible that some subscribers may not be able to port out before closure of services as they may not be present in a service access area during the time of closure and would want to port out on a later date. However, it is not possible to keep these subscribers live on the TSPs system for a port out at a later date. These may be exceptional cases which can be dealt with on a case to case basis by TSPs. For e.g., If for some reason, a customer is himself unable to give consent or port out, he can assign someone to do it on

his behalf with proper documents and proofs, and the same can be accepted as a request on the customer's behalf after due-diligence. Such issues might also be looked at by the Authority.

Q.13 If there are any other issues relevant to the subject, stakeholders may submit the same, with proper explanation and justification.

Idea Submission:

We have no additional submissions.