



3rd September 2012

Telecom Regulatory Authority of India,
Mahanagar Door Sanchar Bhawan,
Jawahar Lal Nehru Marg, Old Minto Road,
New Delhi – 110 002

Kind Attention: Mr. A. Robert J. Ravi
Advisor (CI & QoS)

Subject: Consultation Paper on Review of The Telecom Commercial Communications Customer Preference Regulations, 2010

Dear Sir,

With reference to the Consultation Paper dated 3rd August, 2012 on the above mentioned subject, we are of the view that instead of a new consultation paper the Regulator needs to address the implementation gaps in the current processes which were finalized in consultation with the industry.

Further, we would like to bring to your kind notice that there is an incorrect mention of "5p termination charge" in clause 1.4 of your above mentioned consultation paper. As per TRAI's seventh amendment to TCCCP dated 25th October, 2011, it should read as "5p promotional SMS charge".

Further, TTL's point-wise response is as follows:

- 1. What are your views on the proposal of blocking the delivery of SMS from the source or number or entity sending more than a specified number of promotional SMS per hour with similar signatures as proposed in the above para?**

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- 2. What should be the limit on the number of SMS per hour to be specified in this regard? Please give your views along with reasons thereof (para 2.1.1 to 2.1.4).**

TTL: - We do not agree with the proposed solution of blocking delivery of SMS as this will induce latency in message delivery. This requires deep packet inspection which is a time consuming process. This may result in poor customer experience. Presently,



no solution is available off-the-shelf for blocking the delivery of SMS from the source. If we explore a new solution now, it would be a time consuming process. Also, the solution cannot be fool-proof and purpose may not be achieved due to the following reasons:

- Customer by knowing the cap count can use multiple SIMs to do promotions.
- If checksum is implemented, then it cannot be ascertained that the message type is promotional or not. Even checksum cannot be fool-proof, as user may type in additional characters like “-“resulting in change of checksums. Please note that the counter will be applicable for the same source number and the same checksum.
- Same pattern of the content may fall under non promotional SMS as well as promotional SMS.
- Also, the person or the system doing the promotion can intelligently change the text so that the pattern matching fails. For example, in place of O, user can type 0 (Zero), instead of “You” the person or system can put text as U can, etc.
- SMS can content messages in normal ASCII (English) or binary (e.g. multilingual picture). Pattern matching may not be achieved for binary messages.
- At present virtual GT is being used for messaging and message can go to any of the SMSCs. In domestic roaming scenarios, for better efficiency, the messages get submitted to nearest SMSC. If synchronization is implemented, then there will be lag in counter synchronization which will further result in performance degradation.

To summarize; technical feasibility is implausible and therefore controlling/stopping promotional messages proactively from P2P is not feasible.

3. Please give your comments on the proposal to mandate the telecom service providers to obtain an undertaking/agreement from registered telemarketers and other transactional entities that in case they want to outsource promotional activities to a third party, they will engage only a registered telemarketer for such promotional activities. What are the other options available to control such activities? Please give your views along with reasons thereof (para 2.2.1 to 2.2.3)?

TTL: - This is not possible as the contract is between the registered Telemarketer (TM) and third party where the Service Provider (SP) has no role to play. The TM might not have even subscribed services from the SP and hence, he shall never sign such document with SP. Logically, the registered TM should give an undertaking to TRAI that he will not outsource their business to a non TM. TRAI should enter one more clause of undertaking in the future registration process. As the existing telemarketers have registered themselves with TRAI, Authority may mandate all the telemarketers to



provide an undertaking to TRAI that in case they want to outsource promotional activities to a third party, they will engage only a registered Telemarketer.

4. *Please give your comments along with reasons thereof on the proposal to disconnect telecom resources after ten violations, of entities for whom the promotion is being carried out? Also indicate whether ten violations proposed is acceptable or needs a change. Justify the same. (para 2.3.1 to 2.3.3)?*

And

5. *What additional framework may be adopted to restrict such subscribers or entities from sending UCC, other than the one proposed above (para 2.3.1 to 2.3.3)? And*
6. *What are your views on the time frame for implementation of the facility for lodging UCC related complaints on the website of service providers? Please give your comments with justification (para 2.4.1 to 2.4.3). And*
7. *Do you propose any other framework for registering UCC complaint for easy and effective lodging of complaints (para 2.4.1 to 2.4.3)?*

TTL: - It is necessary to clearly define and categorize the type of calls falling under UCC. Today there is lot of confusion in defining which call is UCC and which is not. Calls pertaining to such as renewal of insurance premium are currently being treated as UCC resulting in debates. Other examples are courier receipt/ dispatch information calls, welcome calls for any service, Service reminder calls, appointment fixing calls, AMC due reminder calls, etc. Since these calls are necessary for a DNC registered subscriber also to receive, the companies are making calls using Non –TM resources to reach them.

Telemarketers use telecom resources like voice and SMS to reach the consumers on behalf of the brands and companies. They use telecom resources as it helps brand reach instantly, conduct campaigns on large scale, and deploy technology based solutions. To help them use this medium responsibly, and in an unhindered fashion should be the core principle of the regulation.

Also, for companies which are non TM registered companies (no TRAI ID to track), keeping track of 10 violations is not possible on IT systems. There is no way we can track the violations across all service provider network. Also, it is not possible to disconnect all normal lines (NON 140XX) for the company as these lines are being



used for normal office communications also. These fall under essential services and disconnecting them all together, shall result in major impact on their operations.

Disconnecting telecom resources may be a retrograde step and may also impact the business of the entity and hence growth of the country. Entities for which the promotion is being carried out may not be aware of the violation being done by the telemarketers. It is possible that the entity may have asked a registered telemarketer to do marketing, but that registered telemarketer may have outsourced some work of such telemarketing.

45 days may be a short time for implementation of the facility for lodging UCC related complaints on the website of service providers, Authority should grant a time of 180 days.

In the current framework, customer is already having Voice & Non Voice mode i.e Call centre / Email / SMS for registering complaints; therefore, we feel no additional framework is required.

In view of the above, we request TRAI to take cognizance of our suggestions and incorporate our viewpoint in the final Regulation.

Thanking you,

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'AD' with a flourish.

Anand Dalal
Senior Vice President – Corporate Regulatory Affairs
Tata Teleservices Limited
And
Authorized Signatory
For Tata Teleservices (Maharashtra) Limited