

File No. 4-1/2011-BB & PA
TELECOM REGULATORY AUTHORITY OF INDIA
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg,
New Delhi-110002

Dated the 27th July, 2012

DIRECTION

Subject: Direction under section 13 read with clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) to service providers service providers for delivering broadband services in a transparent manner by providing adequate information to broadband consumers.

No. 4-1/2011-BB&PA ----- Whereas the Telecom Regulatory Authority of India, [hereinafter referred to as the Authority], established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as TRAI Act, 1997), has been entrusted with discharge of certain functions, *inter alia*, to regulate the telecommunication services, protect the interests of service providers and consumers of the telecom sector, lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication service;

2. And whereas the Authority has been receiving complaints from consumers and consumer organizations stating that service providers are not delivering broadband services in a transparent manner as they are not providing adequate information to the consumers regarding broadband services including broadband plans with Fair Usage Policy (FUP) and, therefore, it is

difficult for the consumers to make an informed choice regarding plans on offer;

3. And whereas the consumers in their complaints have also stated that under unlimited broadband plans with Fair Usage Policy (FUP), being offered by the Service providers, the consumers are offered higher speed upto a certain data download limit (e.g. 5 GB or 10 GB) and once this limit is reached, the broadband speed gets reduced to a lower level and in some cases it falls below 256 kilo bits per second (kbps);

4. And whereas the Authority has made Quality of Service of Broadband Service Regulations, 2006 (11 of 2006) in which definition of broadband is as follows:

“ **‘Broadband’** is defined in the Broadband Policy 2004 as “An always-on data connection that is able to support interactive services including Internet access and has the capability of the minimum download speed of 256 kilo bits per second (kbps) to an individual subscriber from the Point of Presence (POP) of the service provider intending to provide Broadband service where multiple such individual Broadband connections are aggregated and the subscriber is able to access these interactive services including the Internet through this PoP. The interactive services will exclude any services for which a separate licence is specifically required, for example, real-time voice transmission, except to the extent that it is presently permitted under ISP licence with Internet Telephony” .;

5. And whereas the Authority has noted that while service providers have mechanism to monitor data usage, the subscriber, while surfing the Internet does not have similar mechanism to monitor his data usage and has to access the service provider’s website to get information about data usage after entering his username and password and the consumers find this process cumbersome

and as a result they are not able to effectively manage their usage within download limit associated with their plan;

6. Now therefore, the Authority, in exercise of powers conferred under section 13, read with clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and in order to ensure more transparency in delivery of broadband services and to protect interests of consumers in the telecom sector and to facilitate further growth of broadband services in India and for the reasons mentioned in the preceding paragraphs, hereby directs all the telecom service providers providing broadband services to -

- (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: -
 - (i) data usage limit with higher speed;
 - (ii) speed of connection upto data usage limit; and
 - (iii) speed of connection beyond data usage limit;
- (b) provide information specified in para (a) in printed form to the new subscribers on their enrolment and to existing subscribers through email on their registered email address and through SMS on their mobile numbers registered with the service providers;
- (c) ensure that speed of broadband connection is not reduced, in all broadband tariff plans, below the minimum speed specified in Quality of Service of Broadband Service Regulations 2006;
- (d) provide alert to the customer at the time of login to the network of the service provider when his data usage reaches eighty percent of the data usage limit bundled with the plan and to ensure that such

alert shall be provided at each login after data usage crosses the said limit of eighty percent; and 0 0

- (e) send alert to the customer either through SMS on his mobile number registered with the service provider or to his registered email, each time when the data usage by the customer reaches eighty percent and hundred percent of the data usage limit bundled with plan opted by the customer, or through Unstructured Supplementary Service Data (USSD) at each login by the customer after the data usage reaches eighty percent of the data usage limit bundled with his plan.

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(Arvind Kumar)
Advisor (NSL-I)

To
All Service Providers providing broadband service (As per list attached)