



भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002
Fax : 91-11-23213294

No. 409-12/2008-I&FN (Part-II)

Dated the 22nd February, 2011

DIRECTION

Subject : Direction under section 13, read with sub-clauses (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997, to M/s. Bharti Airtel Ltd., regarding application of Interconnection Usage Charge on Short Message Service (SMS).

No.409-12/2008-FN (Part-II).- In exercise of powers conferred by section 36, read with sub-clauses (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 11 of the TRAI Act, 1997, the Telecom Regulatory Authority of India (hereinafter referred to as the Authority) has made "The Telecommunication Interconnection Usage Charges Regulation, 2003 (4 of 2003)" dated 29th October, 2003, (hereinafter referred to as the principal regulation) to cover arrangements among service providers for payment of Interconnection Usage Charges (IUC).

2. The principal regulation was amended, inter alia, by the "Telecommunication Interconnection Usage Charges (Tenth Amendment) Regulations, 2009" (2 of 2009) on 9th March, 2009 and Schedule IV of the principal regulation, as inserted by the said amendment, provides that Interconnection Usage Charges for Short Message Service (SMS) shall be under forbearance, provided that such charges shall be transparent, reciprocal and non-discriminatory.

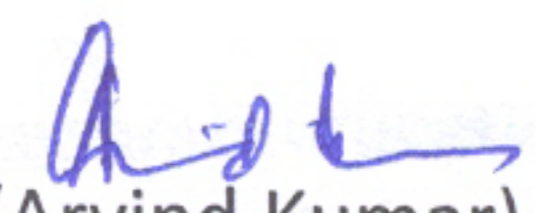
3. It was brought to the notice of the Authority by some service providers that discriminatory IUC for SMS are being charged by M/s. Bharti Airtel Ltd., in violation of the aforesaid provisions of Schedule IV of principal regulation.

4. The Authority, vide its letter dated 5th November, 2009 took up the matter of discriminatory SMS charges with M/s. Bharti Airtel and asked the service provider to send a report indicating agreed IUC for SMS with all other service providers and the manner in which M/s. Bharti Airtel, is in compliance with the provisions of 'Schedule IV' of the principal regulation which stipulates that '*Interconnection Usage Charges for Short Message Service (SMS) shall be under forbearance : Provided that such charges shall be transparent, reciprocal and non-discriminatory.*'"

5. After examining the reply furnished by M/s. Bharti Airtel Limited vide their letter Number Ref: Airtel/FY 09-10/TRAI/211 dated 12.11.2009 and interconnection agreements filed by various service providers with the Authority, it is noticed that M/s. Bharti Airtel Limited has concluded agreements with some service providers specifying IUC for SMS while in respect of the rest, they are still in the process of entering into similar agreement, which has resulted in a situation wherein the charge being actually applied is different for different service providers.

6. From the interconnection agreements filed with Authority by various service providers, it is seen that IUC for SMS has not been incorporated in all interconnect agreements of M/s. Bharti Airtel Ltd., entered into with other service providers and thus, M/s. Bharti Airtel Ltd., has contravened the non-discriminatory provisions of the principal regulations.

7. In view of the above, the Authority, in exercise of the powers conferred by section 13, read with sub-clauses (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 11 of the TRAI Act, 1997 and with a view to ensure compliance of the provisions of 'Schedule IV' of the Telecommunication Interconnection Usage Charges Regulation, 2003 dated 29th October, 2003, hereby directs M/s. Bharti Airtel Ltd., to stop applying discriminatory termination charges on SMS.


(Arvind Kumar)
Advisor (I&FN)

To,

Shri Sanjay Kapoor
President & CEO
M/s. Bharti Airtel Limited
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