9th November 2017

Shri Asit Kadayan
Advisor (QoS)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg
New Delhi 110 002

Subject: Aircel response to Consultation paper on Unsolicited Commercial Communication

Dear Sir,

This is with reference to the TRAI's consultation paper on "Unsolicited Commercial Communication.

As you are aware that the industry is undergoing restructuring due to the consolidation through mergers and acquisitions. Along with this there is intensified competition which has resulted in increased pressure on revenues leading to overall financial stress. Considering the present state of affairs of the telecom industry which is bleeding like never before, any amendment to any regulation which results in additional financial burden should be very carefully examined. We strongly feel that this is not the right time for the regulator to implement any CAPEX oriented amendments to the regulatory framework currently in place.

The telecom service providers in the past have invested heavily in the implementation of the principal regulation The Telecom Commercial Communications Customer Preference Regulations, 2010 (TCCCPR)" and the 16 amendments issued so far which have been instrumental in keeping a check and considerably bring down the menace of unsolicited commercial communication.

We would also like to submit that the TSPs should not be penalized for the wrong doings of a few subscribers (unregistered telemarketers) and there should not be any penal provision on the service provider as it is amply clear that the service provider only acts a communication pipe and has no control over the content which is passed through its network.

Question wise response to the Consultation Paper is enclosed.

Thanking you,
Yours faithfully,

For **Aircel Ltd / Dishnet Wireless Ltd**

Hemant Coomar
Asst. Vice President
Head- Regulatory Operations

Enclose: as above.

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Aircel Group Response to TRAI Consultation paper on "Unsolicited Commercial Communication" dated 14.09.2017

Q1. **To what extent, time required for registration and enforcement can be reduced? For achieving reduced time lines, what changes in processes or in different entities e.g. PCPR, NCPR, CPDB may be required? Will providing scrubbing as a service for RTM reduces time? Please give your suggestions with reasons.**

Aircel response:

The current timelines can definitely be brought down by automation to the level of real time or near real time basis, however, there is a cost involved in such automation. TRAI may also consider establishing a central repository (instead of this being managed by TSPs as is being done presently) wherein customers can directly register their preference through voice or SMS based solution and get a real time update on their change of preference/deregistration. Further, all the TSPs may get connected to this central repository and the timelines can be reduced substantially. This will remove the initial delay of 7 days for registration when a customer gets enrolled with TSP and any subsequent porting done by the customer – it will be a one-time registration for the customer and updates in the preferences of the customer will get updated to all TSPs on real time basis.

Q2. **How to ensure availability of Mobile Apps for registering preferences and complaints and for de-registration for all types of devices, operating systems and platforms? Whether white label TRAI Mobile App may be bundled along with other Apps or pre-installed with mobile devices for increasing penetration of app? For popularizing this app, what other initiatives can be taken? Please give your suggestions with reasons.**

Aircel response:

At the national level, a white labeled app should be developed and it should be made compulsory for all mobile manufacturers to provide this app disallowing removal of the app from the mobile handset. However, it remains to be seen if this is possible in the present scenario or not as the handset manufacturers are not under the ambit of the present regulation. TRAI may advertise this mobile app along with the TSPs who can further educate the customers of the benefit of the app through SMS.

Q3. In case of Mobile Number Portability (MNP), what process may be defined for retaining the status of customer for preference registration? Please give your suggestions with reasons.

Aircel response:

There should not be any change in the registration preference of the customer irrespective of its porting status. A central preference register under TRAI will benefit customers as they will have to register only once and whenever else they wish to update their current status / deregister – this will therefore not get impacted whenever the customer ports his / her number from one TSP to another. This will ensure that there is no mismatch in the preference prior to and post porting and hence will be available immediately upon activation of the number post porting getting completed. Only upon disconnection of the number and number getting returned back to the original series holder (which means the number is no longer being used by the current user), the preference register will be reset as this number will be recycled to another new customer.

Q4. How bulk registration may be allowed and what may be the process and documents to register in bulk on behalf of an organization or family? Please give your suggestions with reasons.

Aircel response:

Preferences are individual and as such there should not be any provision of bulk registration facility as the same can be misused and the end user may not be able to exercise his/her choice which is not in consumer interest.

Q5. Is there a need to have more granularity in the choices to actually capture customers interest and additional dimensions of preferences like type of day, media type(s)? What will be impact of additional choices of preferences on various entities like CPRF, PCPR, NCPR, CPDB etc.? Please give your suggestions with reasons.

Aircel response:

Current choices are itself complex and adding any additional leg will complicate the process and implementation period. All these additional options will call for additional analysis and will add on to the cost. Moreover, adequate and in-depth cost-benefit analysis has to be carried out in order to see if there is any significant improvement in customer experience.

Q6. **Should the scope of UCC regulation be enhanced to include unwanted calls like silent, obnoxious, threatening calls etc. and unauthorized communications? What role government or constitutional organizations may play in curbing such activities? Please give your suggestions with reasons.**

AND

Q7. **What steps may be taken to address the issues arising from robo-calls and silent calls? What are the technical solutions available to deal with the issue? How international co-operation and collaboration may be helpful to address the issue? Please give your suggestions with reasons.**

Aircel response:–

In our view, silent calls/threatening calls should be kept outside the purview of the regulation as these cannot be classified as Unsolicited Commercial Communication. Moreover, these type of calls may be a result of personal choices / social behavior, etc. Silent calls may also be due to network issues wherein the other party is not audible. With regards to threatening calls etc., it is purely a different issue and such calls should be dealt with as per the law of the land and the TSPs should not be held responsible for any such act.

With regards to robo-calls, we would like to submit that there are number of mobile apps available on the cloud which can analyse such calls and mark them as a spam post analyzing such calls form their ever growing database. Apps like Truecaller etc use crowed sourcing to identify such spams. Moreover, TSPs may also offer such services to the customer at a cost if so desired.

Q.8. **For robust verification and authentication of telemarketer getting registered, what changes in the process of registration, may be introduced? Please give your suggestions with reasons.**

Aircel response:

Current process seems to be effective and no further changes are suggested in the process.

Q9. **Should registration of other entities such as content providers, TMSEs, Principal Entities, or any other intermediaries be initiated to bring more effectiveness? Whether standard agreements can be specified for different entities to be entered for playing any role in the chain? Please give your suggestions with reasons.**

Aircel response:–

While Telemarketers are responsible for all the telemarketing activites initiated by them, they should ensure that other entities whom they are in business relationship with enter into standardized agreements and should also be responsible for the consequences of non-compliance – these standardized agreements will enable them to be educated about the same.

Q10. Whether new systems are required be established for the purpose of header registration, execution and management of contract agreements among entities, recording of consent taken by TMSEs, registration of content template and verification of content? Should these systems be established, operated and maintained by an independent agency or TRAI? Whether agency should operate on exclusive basis? What specific functions these systems should perform and if any charges for services then what will be the charges and from whom these will be charged? How the client database of TMSEs may be protected? Please give your suggestions with reasons.

Aircel response:

In practical scenario, NCPR Portal to be developed and accessible to customer who can check his preference registration status on real time basis. Any RTM, aggregator, entity who takes consent from customer either through physical form, Website, Application or email should be made to upload the request in this portal which in turn should trigger real time notification through SMS.

Further, a universal Portal to be created where in customers , TSP, TSMs or any other intermediaries can access and update information with due consent on real time basis. The same may be created and maintained by TRAI using the funds available with TRAI

Q11. Whether implementation of new system should full edged since beginning or it should be implemented in a phased manner? Whether an option can be given to participate on voluntary basis? Please give your suggestions with reasons.

Aircel response:

It should be launched as full-fledged Service across India and should be mandatory for all TSPs and funded by TRAI.

Q12. Whether scrubbing as a service model may be helpful for protection of NCPR data? Whether OTP based authentication for queries made by individuals on NCPR portal may be helpful to protect NCPR data? What other mechanisms may be adopted to protect the data? Please give your suggestions with reasons.

Aircel response:– All the TSPs & Telemarketers to be connected with a central registry with the API, so that there is real time update of the registration/change/deregistration of the preference of the subscriber. Thus, there is no need for providing the scrubbing as a service model for the protection of NCPR.

Q13. What interface and functionality of NTR system may be made available to Principal entities for managing header assignments of their DSAs and authorized agents? How it may be helpful in providing better control and management of header life cycles assigned to DSAs and authorized entities? Please give your suggestions with reasons

Aircel response:–

We suggest that the ownership of managing and header assignment should be with RTM only.

Q.14 What changes do you suggest in header format and its structure that may be done to deal with new requirements of preferences, entities, purpose? How principal entities may be assigned blocks of headers and what charges may be applied? What guidelines may be issued and mechanism adopted for avoiding proximity match of headers with well known entities? Please give your suggestions with reasons

Aircel response:

Like domain registration for websites, popular entities may opt for specific headers (group of headers) by paying premium amount to respective TSP. These headers to be updated on Universal portal and can be referred by various TSPs while allocating the sender ID. Resemblance between two sender Ids should be allowed only up to 2 characters while allocating the headers.

Q15. Whether voice calls should be permitted to TMSEs and how these can be identified by the customers? How intelligent network (IN) or IP Multi-media subsystem (IMS) based solutions

may be useful for this purpose and what flexibility it may provide to TMSEs in operating it and having control on its authorized entities? Please give your suggestions with reasons.

Aircel response:

In the present scenario, numbers series is only allotted for promotional telemarketers. The primary reason for such allocation was to ensure that the customer can identify such calls and accordingly take action to either answer the call or reject it knowing very well that the call is promotional in nature. However, the case is different so far as transactional calls are concerned which for eg have been identified as calls which are received by the bank regarding a banking transaction or KYC verification etc. From customer perspective, it is understandably assumed that any call coming from other than a promotional number series (140), is not promotional in nature, hence the segregation already exists.

Q16. What steps need to be initiated to restore the sanctity of transactional SMS? What framework needs to be prescribed for those transactional SMS which are not critical in nature? Please give your suggestions with reasons?

Aircel response:

Complaint based approach seems to be the correct approach. As such the current regulation is sufficient as of now which clearly defines what a transactional message is and does not allow mixing of any promotional content with the transactional messages. However, RTMs should be held responsible along with the entity/contact points in the promotional messages when these are mixed with transactional messages.

Q17. To what extent, present gap between time when UCC complaint was made and time when this was resolved can be reduced? What changes do you suggest to automate the process? Please give your suggestions with reasons.

Aircel response:–

The current timelines are stringent enough to cater to complaint handling. It may be noted that automation can be done to any extent, however, it involves cost and should only be mandated if it solves a problem to a much larger extent and the advantages far outweigh the costs. Presently, when a complaint is received and it has to be sent to OAP (other than the complainant's TSP) for resolution since CDRs which need to be verified are only available with the OAP – this is a time consuming process. Moreover, if TRAI feels there is any need for any such automation, the same can be done via an online portal which can be created and maintained by TRAI.

Q18. How the medium of Customer Complaint Resource Functionality (CCRF) with pre-validation of data e.g. Mobile App, Web Portal etc. may be helpful to achieve better success rate in complaint resolution process? Please give your suggestions with reasons.

Aircel response: As stated earlier universal portal would be the most effective tool.

Q19. Whether access providers may be asked to entertain complaints from customers who have not registered with NCPR in certain cases like UCC from UTM, promotional commercial communication beyond specified timings, fraudulent type of messages or calls etc.? What mechanism may be adopted to avoid promotional commercial communication during roaming or call forwarding cases? Please give your suggestions with reasons

Aircel response:–

The present regulation has gained its shape over the years based on a philosophy that customer needs to take preventive action if he is getting affected. If a customer is not interested in any unsolicited commercial communication, he may follow the process laid down by the regulation, which means any number which is not part of the NCPR database, has taken an informed choice and is not bothered about soliciting calls/communication. However, as a matter of convenience, we feel that no promotional communication should be sent to any customer post 9 pm irrespective of his NCPR status. However, action against such TMs should only be taken in case such registered customer explicitly complains against this specific activity.

For fraudulent type of messages or calls etc, as submitted above, customer should approach designated Authorities like police/courts and follow the law of the land.

With regards to promotional commercial communication while the customer is on roaming, we feel that there is no difference so far as the call is coming from a registered telemarketer with a registered CLI which have been assigned for this purpose. In case the customer is on international roaming, the promotional call should get blocked at switch level itself so that the call is not sent to the foreign operator and customer doesn't have to pay higher tariff while on international roaming.

Q20. How the mobile App may be developed or enhanced for submitting complaints in an intelligent and intuitive manner? How to ensure that the required permissions from device operating systems or platforms are available to the mobile app to properly function? Please give your suggestions with reasons.

Aircel response:-

We agree with the suggestion of developing and enhancing the mobile App for the purpose of submitting complaints in the intelligent and intuitive manner.

However, it remains to be seen if mandating device manufacturers to provide such information to the Mobile App developed by TRAI is feasible in the current scenario.

Q21. Should the present structure of financial disincentive applicable for access providers be reviewed in case where timely and appropriate action was taken by OAP? What additional measures may be prescribed for Access Providers to mitigate UCC problem? Please give your suggestions with reasons.

   &

Q22. Whether strict financial disincentives should be levied for different types of techniques like robocall, auto-dialer calls for UCC? Please give your suggestions with reasons.

   Aircel response:

Current Approach of complaint based action is appropriate to manage UCC complaints coupled with Universal portal / app. No financial disincentives should be standard for all UCC violations.

We are of the view that there should not be any provision of the financial disincentive on the TSPs unless there is any violation at TSP end with regards to any regulation/direction issued by the Authority from time to time.

Q23. What enhancements can be done in signature solutions? What mechanism has to be established to share information among access providers for continuous evolution of signatures, rules, criteria? Please give your suggestions with reason.

   Aircel response:

A robust signature solution is already in place and is being continuously upgraded based on the new partners that are detected through various modes. New patterns that are identified should

be shared among the TSPs through an automated process for which a framework need to be put in place. However, TSPs should be consulted and a proper cost benefit analysis should be carried out before taking any view on the same.

Q24. How Artificial Intelligence (AI) can be used to improve performance of signature solution and detect newer UCC messages created by tweaking the content? Please give your suggestions with reasons.

Aircel response:-

Complaint based approach takes care of such issues and such content as shared by the customer can also be shared with all TSPs basis which more keywords can be added to the signature solution. Further, since AI is a relatively new subject, this needs further deliberations to ascertain how the technology can be used for maximum benefit.

Q25. How the honeypots can be helpful to detect and collect evidences for unsolicited communications? Who should deploy such honeypots? Please give your suggestions with reasons.

Aircel response:-

This is definitely workable solution but has a cost associated with it. Such honeypots have characteristics of actual working numbers, may be created by the Access Providers in their network.

In this regard, we would further like to submit that TRAI may have further discussion with the TSPs and agree on the basic architecture of the honeypot based system before putting in place the provision of having honeypot solution in place through a Regulation.

Q26. Should the data from mobile app or from any other source for registering complaints be analyzed at central locations to develop intelligence through crowd sourcing? How actions against such defaulters be expedited? Please give your suggestions with reasons.

Aircel response:–

Yes, as stated earlier a universal portal will be extremely helpful in taking proactive and corrective actions basis data mining.

Q27. How the increased complexity in scrubbing because of introduction of additional categories, sub-categories and dimensions in the preferences may be dealt with? Whether Scrubbing as a Service model may help in simplifying the process for RTMs? What type and size of list and details may be required to be uploaded by RTMs for scrubbing? Whether RTMs may be charged for this service and what charging model may be applicable? Please give your suggestions with reasons.

Aircel response:– Introduction of additional categories will increase the complexity and hence we do not support the same. However, we suggest that voice and SMS as a category should be included.

Further, as suggested by us earlier, all the TSPs & TMs can be connected to a central repository to ensure real time update of preference of the subscriber. As such, we don't see any need for providing the scrubbing as a service model.

Q28. How the cases of false complaints can be mitigated or eliminated? Whether complaints in cases when complainant is in business or commercial relationship with party against which complaint is being made or in case of family or friends may not be entertained? Whether there should be provision to issue notice before taking action and provision to put connection in suspend mode or to put capping on messages or calls till investigation is completed? Please give your suggestions with reasons.

Aircel response:–

Currently there are no guidelines for action against false complaints. Like in case of UCC by RTM, telecom resources are blocked for a period of 2 years on same lines there should be provision to block the telecom resources of concerned involved in false complaint. We also agree with the provision to issue notice before taking action and provision to put connection in suspend mode or to put capping on messages or calls till investigation is completed by the TSPs.

Q29. How the scoring system may be developed for UCC on the basis of various parameters using signature solutions of access providers? What other parameters can be considered to detect, investigate and mitigate the sources of UCC? How different access providers can collaborate? Please give your suggestions with reasons.

Aircel response:–

Honeypots , check on count of SMS per day/ per subscribers , screening of connections being used only for SMS etc can be considered to detect the source of UCC proactively. Such information may be shared amongst TSPs for improving and strengthening the mechanism to detect UCC and steps taken to curb the same.

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