Issues for consultation

Q.1 Stakeholders are requested to submit their comments in respect of definitions of messages and calls and their categorizations, as suggested in the paragraphs 2.14 to 2.19 along with necessary justifications.

Inputs from BSNL:

Transactional communication:

The definition of transactional communication proposed in consultation paper seems to be OK. However, from the past experience it is observed that TSPs have approved the transactional templates/service templates mixed with promotional content. Therefore it is requested that it should be clearly mentioned in definition that any Transactional Template should not be mixed with any content of promotional nature.

On the issue of inferred consent, following need to be considered:

1. The SMS character length is limited to 160 characters. Therefore, adding a line for opt-out option will further increase the message length and it would become impossible to accommodate complete text in single/ same message limiting in 160 characters. This should be examined before finalizing the proposed mechanism.

2. If a PE sends a transactional message/service message to a customer based on the inferred consent along with the opt-out option and subsequently the customer choose to opt-out. In such situation, it need to be clarified that the opt-out is for that particular Template or for that particular Header or for that particular Sender/PE.

If it is presumed to be for that PE, then all messages from that PE will be stopped by the DLT during scrubbing. (e.g. if a Bank sends repeated reminders for payment of loan and customer opts-out by irritation, as a result the Bank as PE gets blocked for sending all transactional messages/ communications like OTP messages etc for the next 90 days and customer will face problem in availing other services from the Bank.)

If, we want to stop/ block a particular message of particular purpose like- loan payment reminder as discussed above. It is not possible to know the purpose of the SMS from the Content Template. Only the type of SMS can be maintained on DLT at the time of registration, such as Promotional or Transactional or Government etc. Therefore, it is not possible to stop the SMS of the same purpose from that PE through DLT if customer Opts-out.

There should also be a customer initiated mechanism to Opt-in for the communication from that Template/ Header/PE, if opted-out.

Government Messages or Government Calls:

It is seen in past that most of the TSPs are pushing the A2P Govt. SMSes bypassing the DLT system, in this way no scrubbing is required

for preference and consent. The SMS reaches to all customers.

As this is a new Category being proposed, the following issues need to be clarified:

> 1. Does it mandatory for Central/ State Government and Constitutional Bodies to get Header, PE and Template registered on DLT?
>
> 2. Does it mandatory to push the Govt. SMS/ Calls through DLT?

Q.2 Whether explicit Consent be made mandatory for receiving Promotional Communications by Auto Dialer or Robo Calls? What can be other possible measures to curb the use of Auto Dialer or Robo Calls without the consent of the recipients? Stakeholders are requested to submit their suggestions quoting best practices being followed across the world.

Inputs from BSNL: NIL

Q.3 As most of the pre-recorded calls have pre-defined content, stakeholders are requested to comment on the process to be followed to scrub such content before the delivery to consumers. The comments should be supported with suitable justifications and practices being followed in other parts of the world.

Inputs from BSNL:

Scrubbing of pre-recorded voice calls having pre-defined content is **not technically feasible**.

The following option may be considered:

The Robo call must include information about the PE, such as name of the PE and must provide a telephone number where the PE can be reached. The TM/PE must get the Pre-recorded voice calls approved and stored on DLT, a unique id to be generated for each such recorded file. To originate Robo-calls, the TM/PE should inform this unique id to OAP who will play the same to the targeted customers.

However, as this solution is not technically tested so far, there may be constraint of storage at DLT system. In such case, the audio file may be scripted and registered/available on DLT. The DLT to provide a unique id to such script. To originate Robo-calls, the TM/PE should inform this unique id to OAP who will use some technology like text to speech conversion and play the script to the targeted customers.

The approver of the Pre-recorded voice calls or script must be held responsible for the authentic/ bonafide content of the Pre-recorded voice calls or script

Q.4 Stakeholders are required to submit their comments in respect of Headers identifiers categories as suggested in the above paragraphs by

the Authority or any other type of identifiers which may facilitate consumers to identify senders distinctly. Suggestions if any, should be suitably brought out with necessary justifications.

Inputs from BSNL:

Suffixing of -T, -P and -G to headers to identify Transactional, Promotional and Government messages respectively would be the most suitable option as it clearly distinguishes among the proposed three categories of Headers. This will be the key to resolve the IUC settlement among the TSPs. The Authority must take into cognizance while finalizing the mechanism for categorization of headers that no IUC dispute arise as is being faced by the industry currently.

In option-II and option-III, the IUC issue may remain unaddressed.

Q5. Whether current provisions in the regulations for redressal of consumers' complaints in a time-bound manner are sufficient? If not, what provisions should be made for improving the effectiveness of the complaint handling processes including identifying and fixing the responsibilities of the violators?

Inputs from BSNL:

It is seen that most of the RTM UCC complaints are being generated because of registration of content templates in wrong/ incorrect category or mixing of promotional content in Service/ Transactional templates.

As per TCCCPR 2018, the FD is provisioned on OAP who closes the complaints as a valid complaint whereas the incorrect Content Template is the main cause of generation of complaint which may have been approved by another TSP. This is unjustified to punish OAP who should not be held responsible for closure of such complaints as valid.

e.g.

Suppose a TSP namely "A" approves an incorrect Template by mixing promotional content in a Service/ Transaction Template for a particular PE/ Sender. Now that sender sends messages through another TSP namely "B" using this already approved Template by TSP "A". TSP "B" had duly scrubbed this already approved template on DLT before sending the messages.

Now, on receipt of complaint against such content Template, the OAP (i.e. TSP-B) is held responsible for this UCC which is unjustified. Instead, the TSP-A should be held responsible because the complaint arose due to incorrect approval of Template.

This issue need to be addressed.

Q6. Whether facilities extended by the Service providers through Apps, Website and Call Centres for handling UCC complaints are accessible and consumer-friendly? Is there a need to add more facilities in the current systems? What measures should be taken by the service providers to make their Apps, Website and Call Centres easily accessible to the Consumers for registering UCC Complaints and tracking the same for a time-bound disposal of complaints? Please

provide your answer with full details on the facilities needed.

Inputs from BSNL:

BSNL has extended the facilities through Apps, Website and Call Centres for handling UCC complaints in line with the provisions made in TCCCPR 2018.

Q 7. What additional modes of complaints registration, preference registration and consents registration through a very easy and quick process can be implemented?

Inputs from BSNL:

No comments.

Q8. Stakeholders are required to submit their comments on the following: -

> a. Measures required for pro-active detection of spam messages and calls through honeypots and norms for the deployment of Honeypots in a LSA, and rules or logics required for effective use of AI-based UCC detection systems including training of AI models for identification, detection and prevention of spam

> b. Proactive actions needed to stop further communications of messages or calls identified as spam through UCC detect systems and actions on the senders.

Inputs from BSNL:

In the Consultation Paper, it is suggested to automatically take feedback from the recipient of bulk voice calls/ SMS through 1909 short code.

In this regard, it may be noted that by using a short code 1909, OAP can send and receive SMS to/from its own customer only. The feedback cannot be taken from the customers of other TSPs using 1909Code.

In the Consultation Paper under the heading: <u>Need to define additional signals/triggers to identify the suspected UTMs,</u>

A signal/trigger have been proposed to identify the suspected UTMs involving the number of distinct unanswered calls to recipients.

In this regard, it is mentioned that it will be difficult to identify such B party numbers who have not answered the calls because record of such incidences (missed calls) is not maintained in the network. So we should keep the criteria proposed in para a, b and c only.

In the Consultation Paper under the heading: <u>Action on the suspected spammers detected through the UCC Detect System of the Access providers</u>, it is proposed that during the mean time when bonafide use of the telecom resources assigned to the suspected Sender will be checked by Access Providers, the outgoing services of the all the telecom resources of the Sender will be placed under suspension.

In this regard, it must be taken into consideration that arbitrarily blocking outgoing calls merely on suspense may have legal

consequences to TSPs/ TRAI.

Q9. Stakeholders are required to submit their comments in respect of

    a. Financial disincentive proposed in the descriptions above on the access providers against violations in respect of RTMs

    b. Financial disincentive proposed in the descriptions above on the access providers against violations in respect of UTMs

<u>BSNL Comments on b:</u>

The revised proposal at 28(1)(ii) prescribes for financial disincentive, an amount of Rupees ten thousand per count of complaint that is declared invalid on unjustifiable grounds.

In this regard, the Authority in Consultation Paper has observed the instances as frivolous grounds such as "CDR Not Match", "Incomplete/ Incorrect Info", "Complaints wrongly routed" etc, both by TAP and OAP. Provisions for imposing FD for wrong closures of UTM complaints has been proposed.

With respect to above observation, it is submitted that there are instances wherein CDR is actually not matched, the information provided in complaint is not sufficient to take further action or the complaint does not pertain to the OAP also the system is not able to find out the OAP to whom the complaint is to be forwarded.

It would be unfair to treat above grounds as frivolous without verifying the facts. It is true that such instances are being faced genuinely by TSPs. There should be no penal action on these grounds until verified to be false.

Moreover, all these grounds have been incorporated in "CoP-Complaints" and already submitted to TRAI.

    c. Financial disincentive proposed against wrong approval of Headers and Message Templates as per descriptions above on the access providers.

<u>BSNL Comment on C:</u> The proposed FD in respect of Header registration function and Content Templates registration function, is proposed Rupees five thousand per count of registration found not to be in accordance with the regulations.

The above proposed FD amount seems to be negligible in comparison to the misuse of such incorrectly approved Headers or Templates. OAP will suffer with manifold of complaints generated because of such Headers/ Templates. The FD should be imposed on the approver of the Header/ Template @Rs five thousand per complaint instead of per registration. No FD should be imposed on OAP in this case.

    d.   Measures needed to assign the responsibilities of telemarketers (both RTMs and UTMs) and Principal Entities (Senders), involved in sending UCC and disincentivize them financially including legal actions as per law.

Q 10. Whether there is a need to review exemptions accorded to

transactional messages and bring them at par with other commercial messages? If yes, please give your answer with necessary justifications? If no, what additional measures are required to discourage senders, telemarketers or service providers from using transactional message templates for sending promotional messages?

BSNL Comments:

It is fact that A2P SMS business is being captured by OTT players like WhatsApp etc. All commercial messaging services through OTT applications are being offered at very competitive rates than conventional TSPs. The TSPs are not able to compete with OTT platforms because of the charges @0.05 paise on each promotional and service message. Also, till now industry is struggling to distinguish between the Transactional and Service Messages because of this transactional messages are still being charged @0.05 paise by TAPs. However, no such charges are prescribed for Transactional SMS in TCCCPR 2018.

Therefore, to address the above issue of charging and competition with OTT services, it is suggested that the charges on all type of messages (Promotional/ Service and Transaction) be withdrawn uniformly. There might be only termination charges which are being governed by separate regulation at present.

Q 11. Stakeholders are requested to offer their comments on the following issues:

    a.   Whether there is a need to strengthen the provisions of Common Code of Practice templates with Standard Operating Processes further to enable Access Providers to take actions including imposing financial disincentives and actions as per law, against entities registered and not following the regulations? If so, what could be additional provisions and essential processes which should be made part of CoPs?

    b.   Whether there should be provision for minimum security deposits from the entities registering with any of the Access Providers, against the misuse or breach of regulations? If so, what should be the provisions in the CoPs for full or partial encashment/replenishment of security deposits against the breach of the regulations? Please provide your answers with suitable justifications.

<u>BSNL Comments on a and b:</u>

In the current DLT model in practice, a TSP can control only the PE which is registered on its own DLT and cannot control the PEs which are not registered with it.

e.g. If a PE who is registered with TSP "A" sends traffic through TSP-"B" which later on gets reported under UCC complaint, then TSP-B would not be able to take action on that PE including imposing financial disincentives and actions as per law because TSP-B does not have any security deposit and Agreement with that PE.

In this regard, it is suggested that the security amount from PEs should be deposited with TRAI centrally. Whenever, any default is found on behalf of the PE, TRAI may impose and recover the FD amount directly from that PE.

Q12. What effective steps can be taken to control the menace of UCC through tariffs? Please justify your answer.

Q13. Whether differential tariff for SMS and Voice calls beyond a certain limit should be introduced to disincentivize UCC through UTMs? Please justify.

Q14. If differential tariff is introduced, what could be the limit beyond which differential tariff could be introduced for:

      i.   Voice Calls

      ii. SMS.

Please justify with rationale.

Q15. If differential tariff is introduced, what could be the tariff beyond a limit for:

      i.   Voice calls.

      ii. SMS.

Please justify with rationale.

Q16. Whether differential tariff should be introduced in a graded manner? If so, please suggest the methodology with justification.

BSNL Comments on Q12 to Q16:

As per Table 3.1 in Consultation Paper, it observed that 99.38% of the Telecom subscribers send less than or equal to 10 SMS per day per SIM. This indicates that a negligible number of subscribers uses more than 10 P2P SMS in daily life.

In view of above, to contain the UCC from UTMs, it is suggested that a limit up to 50 SMS per day per SIM is to be fixed wherein the customer be charged as per the opted plan and beyond 50 SMS a flat tariff of Rs 2/SMS be charged.

Further, as per TTO by TRAI, when a customer is roaming, there is ceiling of 25 paise per SMS for Local SMS and 35 paise for National SMS. This provision is misused by UTMs. Therefore, it is suggested that the ceiling should be withdrawn and the same tariff as per home LSA be applicable while roaming.