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भारत संचार निगम लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

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To,

The Advisor (QoS),
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-02

No: Regln/1-35/2015/ 2895

Dated: 6 March, 2017

{Kind Attn: Shri. Asit Kadayan}

Sir,

Sub: - Comments on Consultation paper on "Net Neutrality".

Kindly refer to your office press release dated 04-01-2017 vide which a Consultation paper on "NET NEUTRALITY" was released and sought inputs/ comments from the stakeholders. In this context, kindly find herewith the BSNL comments on the above mentioned consultation paper:

Q.1 What could be the principles for ensuring non-discriminatory access to content on the Internet, in the Indian context?

BSNL Reply: The principles for ensuring non-discriminatory access to content on the internet, in the Indian context subject to the legal conditions and Law of the land, the following is submitted:

- It should be available to all users irrespective of their plan. There should not be any restriction or any incentivisation based on differential charges of internet services.
- The customer should have freedom to use any device of his choice. He should be free to create post based access and share any content.
- The above activities of customer should not be restricted and controlled by the TSP.

Q.2 How should "Internet traffic" and providers of "Internet services" be understood in the NN context?

(a) Should certain types of specialised services, enterprise solutions, Internet of Things, etc. be excluded from its scope? How should such terms be defined?

BSNL Reply: Yes, it is felt that certain types of specialized services, enterprise solutions, internet of things, etc. be excluded from its scope as it is felt that certain type of services required a differential QoS approach in terms of guaranteed throughput, latency etc. for its swearful deliverance. Services fulfilling such specialised requirement should be excluded from the scope.

(b) How should services provided by content delivery networks and direct interconnection arrangements be treated? Please provide reasons.

BSNL Reply: it is felt that services provided by content delivery networks and direct interconnection arrangements should not be treated as specialised service and no differential treatment be matted out by them.

Q.3 In the Indian context, which of the following regulatory approaches would be preferable:

- 7/2012
11/11/2012
- (a) Defining what constitutes reasonable TMPs (the broad approach), or
 - (b) Identifying a negative list of non-reasonable TMPs (the narrow approach).

Please provide reasons.

BSNL Reply: It is felt that, approach (b), identifying a negative list of non-reasonable TMPs (the narrow approach) would be preferable. It is felt that narrow approach would be forthcoming and encompassing in terms of acceptability, innovation, initiation and would not be overtly regulatory thereby throttling any future innovation. Instead of forming hard bound & stringent regulatory environment, it is felt that progressive, forward looking approach be adopted. In this regard such TMP which tends to directly or indirectly lean towards commercial consideration in terms of revenue or customer count, network superiority should be discouraged and any such TMP should be regarded as non-reasonable TMP.

Q.4 If a broad regulatory approach, as suggested in Q3, is to be followed:

- (a) What should be regarded as reasonable TMPs and how should different categories of traffic be objectively defined from a technical point of view for this purpose?
- (b) Should application-specific discrimination within a category of traffic be viewed more strictly than discrimination between categories?
- (c) How should preferential treatment of particular content, activated by a user's choice and without any arrangement between a TSP and content provider, be treated?

BSNL Reply: No Comments

Q.5 If a narrow approach, as suggested in Q3, is to be followed what should be regarded as non-reasonable TMPs?

BSNL Reply: It can be termed as a list of Net Neutrality violation like allowing access to content on a commercial agreement with ISP / content Service Provider.

Q.6 Should the following be treated as exceptions to any regulation on TMPs?

- (a) Emergency situations and services;
- (b) Restrictions on unlawful content;
- (c) Maintaining security and integrity of the network;
- (d) Services that may be notified in public interest by the Government/ Authority, based on certain criteria; or
- (e) Any other services. Please elaborate.

BSNL Reply: Yes, events depicted from (a) to (d) are not generic in nature and have deep significance in terms of emergency situation/ national security. As such these should be treated as exception in terms of any regulation on TMPs in view of targeted public good.

Q.7 How should the following practices be defined and what are the tests, thresholds and technical tools that can be adopted to detect their deployment:

- (a) Blocking;

BSNL Reply: Blocking of Web site , Content.. List of Blocked sites shall be published at regular intervals may be on quarterly basis.

- (b) Throttling (for example, how can it be established that a particular application is being throttled?); and

BSNL Reply: Regulatory body can conduct auditing at regular intervals or inspect based on customer complaints.

- (c) Preferential treatment (for example, how can it be established that preferential treatment is being provided to a particular application?).

BSNL Reply: Regulatory body can conduct auditing at regular intervals or inspect based on customer complaints.

Q.8 Which of the following models of transparency would be preferred in the Indian context:

- (a) Disclosures provided directly by a TSP to its consumers;
- (b) Disclosures to the regulator;
- (c) Disclosures to the general public; or
- (d) A combination of the above. Please provide reasons. What should be the mode, trigger and frequency to publish such information?

BSNL Reply: BSNL is of the view that TRAI should adopt combination of options (a) and (b) above, i.e. Disclosures provided directly by a TSP to its consumers and Disclosures to the regulator.

Disclosures provided directly by a TSP to its consumers will enable consumers to make informed choice. Further, disclosures to the regulator will act as a deterrent to TSPs not to violate for principles of net neutrality. TSPs should publish such disclosures in a mentioned template on its website only. There is no need to display such disclosures at POS level, as POS are not such technical savvy so as to educate customers on these aspects. Making such information at POS level will also burden TSP with additional cost. So, TRAI should prefer lighter regulation in this aspect.

Such transparency disclosure should be made by TSPs as and when TMPs are enabled by TSP. BSNL is of the view that TRAI should ask quarterly reports from TSPs on these aspect.

In respect to the mode to publish such information, the following is suggested that:

Mode – hard copy or soft copy, Press as the case may be.

Trigger – When there is any change in policy.

Frequency – Time to time as and when applicable or yearly whichever is earlier.

Q.9 Please provide comments or suggestions on the Information Disclosure Template at Table 5.1? Should this vary for each category of stakeholders identified above? Please provide reasons for any suggested changes.

BSNL Reply: No, the template should be same for all TSPs. Certain changes proposed in the template and reasons thereof are mentioned below:

Information Disclosure Template

Performance Details		
Device Compatibility (Only for mobile Broadband)	Specify device compatibility; Provide link to list of compatible devices	Not requires as this is against the core principles of net neutrality suggested by BSNL.

Q.10 What would be the most effective legal/policy instrument for implementing a NN framework in India?

(a) Which body should be responsible for monitoring and supervision?

BSNL Reply: TRAI being a government Authority should be the body to monitor and supervision of Net Neutrality framework in INDIA.

(b) What actions should such body be empowered to take in case of any detected violation?

BSNL Reply: In case of violation of the Net Neutrality principle, the body be empowered to penalise the TSPs, as per the existing scenario in which the TSPs are highly regulated and mandated under various TRAI Regulations for providing Tele Services (Voice, Messaging and Data Services).

(c) If the Authority opts for QoS regulation on this subject, what should be the scope of such regulations?

BSNL Reply: The scope of such regulations shall be as per ITU-T recommendations and as per the End User / Industry / Customer requirements of the country. If required, Telecom Engineering Centre, DoT (TEC) shall be instructed to work out such parameters.

Q.11 What could be the challenges in monitoring for violations of any NN framework? Please comment on the following or any other suggested mechanisms that may be used for such monitoring:

(a) Disclosures and information from TSPs;

BSNL Reply: Same reporting mechanism may be adopted by TRAI, as it is done in case of existing telecom services.

(b) Collection of information from users (complaints, user-experience apps, surveys, questionnaires); or

BSNL Reply: Monitoring Authority may focus on the user complaints, but such input cannot be taken as a benchmark in judging the violation of Net Neutrality principle by the TSPs. The Regulator have to play an important role wherein it protects the genuine concern of the TSPs while taking decisions on consumers rights.

(c) Collection of information from third parties and public domain (research studies, news articles, consumer advocacy reports).

BSNL Reply: No, as it is very difficult to identify the authenticity of the information collected from the third party. It can be misused by the private Telecoms against the PSUs.

The most challenging portion will be the availability of such equipment and systems to monitor and generate threshold reports. Most challenging task will be to define what a violation is and to convert into a technical parameter that can be specified as a Monitoring parameter.

Q.12 Can we consider adopting a collaborative mechanism, with representation from TSPs, content providers, consumer groups and other stakeholders, for managing the operational aspects of any NN framework?

(a) What should be its design and functions?

(b) What role should the Authority play in its functioning?

BSNL Reply: NO, Since India is in the transitional stages in implementing various new services on Internet which gives rise to various agencies such as VAS, MSP, HSP, Content providers, Developers etc, it is recommend to have a collaborative mechanism till we gain some maturity in the industry benefiting all the stake holders.

In such cases, the broader objective of that body shall be to ensure that the country is not deprived of latest technological developments that are happening across the globe especially the developed nations and those who are ahead in Internet/ Broadband penetration. The functions shall be crafted from this objective.

The Authority should play the role of the Moderator in this regard.

Q.13 What mechanisms could be deployed so that the NN policy/regulatory framework may be updated on account of evolution of technology and use cases?

BSNL Reply: The NN policy/ regulatory framework may be reviewed from time to time and in case of updation of evolution of technology a separate consultation paper may be issued by the Authority to review the current framework.

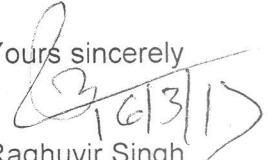
A number of pricing mechanism involving 'URL based Charging', bandwidth/ data volume consumption etc. can be worked out. As the entire eco system is getting stabilized, a complete model may take time to evolve and stabilize. However, an initiation towards this model is very much required.

Q.14 The quality of Internet experienced by a user may also be impacted by factors such as the type of device, browser, operating system being used. How should these aspects be considered in the NN context? Please explain with reasons.

BSNL Reply: These can be excluded from NN Policy.

The Hon'ble Authority is requested to kindly consider the BSNL's views/ comments on above mentioned Consultation paper.

Yours sincerely


Raghuvir Singh
AGM (RegIn-II)