



To,

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

No: Regln/1-35/2015/

Dated: 5th July, 2016

{Kind Attn: Shri. A. Robert J. Ravi}

Sir,

Sub: - Comments on Pre Consultation paper on “Net Neutrality”.

Kindly refer to your office press release dated 30-05-2016 vide which a Pre 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 should be regarded as the core principles of net neutrality in the Indian context? What are the key issues that are required to be considered so that the principles of net neutrality are ensured?

BSNL Comment: In Indian Context, BSNL agrees that Telecom Services providers do not restrict the ability of the user to send, receive, display, use, post any legal content, application or services on the internet, or restrict any kind of lawful internet activity or use, but not on the cost of own detriment. Indian TSPs are subjected to various provisions which involves licensing, adhering to quality service parameters, obligations under various Telegraph Acts, adherence to security conditions, adherence to emergency and public utility services and have also to pay heavy amounts to the Government for spectrum allocation, spectrum relating charges, space relating charges, Bank guarantees to the Government and various penalties by the Government. Further, these charges are in addition to the Capex which a TSP has to necessarily incur to provide a world class infrastructures and Tele services for its customers, of it has to remain in business. With the net neutrality, OTT players who are neither governed by any regulations nor have to pay charges to the Government for providing services / treating all internet traffic on an equal basis, without regard to the type, origin, or destination of the content or the means of its transmission are / will be putting TSPs in an extremely disadvantageous position.

Q-2: What are the reasonable traffic management practices that may need to be followed by TSPs while providing Internet access services and in what manner could these be misused? Are there any other current or potential practices in India that may give rise to concerns about net neutrality?

BSNL Comment: The Indian TSPs are highly regulated and are mandated under license to comply with various security conditions involving, providing of interception and various resources /data as requested by LEA (Law Enforcement Agencies) under the license. These security conditions have evolved over the period of time and are taking into account changing scenarios & LEAs need. With the net neutrality – a open internet world, it is felt that this would create a uneven security environment wherein the TSP Tele

Services (Voice, Messaging and Video Calling Services) would be interceptable and traceable whereas 'OTT' would be untraceable. To ensure national security, there should not be a free internet world.

Q-3: What should be India's policy and/or regulatory approach in dealing with issues relating to net neutrality? Please comment with justifications.

BSNL Comment: While it is understood that right of end user to use TSP services in an unrestricted manner & in an indiscriminative manner is paramount, it is to be ensure that the same TSP, provided the access are not reduced merely as 'data pipe' provider. Such situation would be detrimental to the overall growth of the telecom industry in general and for TSP in particular. Regulators have to play an important role wherein it protects the genuine concern of the TSPs while taking decisions on consumers (End User) rights.

Q-4: What precautions must be taken with respect to the activities of TSPs and content providers to ensure that national security interests are preserved? Please comment with justification.

BSNL Comment: BSNL follows the MHA & DoT guidelines on national security. OTT players are providing messages & voice call services which cannot be monitored, this need to be addressed by TRAI.

Q-5: What precautions must be taken with respect to the activities of TSPs and content providers to maintain customer privacy? Please comment with justification.

BSNL Comment: TSP should be able to contact customers for service related issues. And also customer demographic data captured by the TSPs, should be allowed to be analysed by the TSP to offer them suitable offerings which may be in the interest of the customers also.

Q-6:What further issues should be considered for a comprehensive policy framework for defining the relationship between TSPs and OTT content providers?

BSNL Comment: The Growth of OTT is severely impacting the traditional revenue streams of TSPs. SMS & international calling services, both constitute a significant portion of TSP revenue, without using any additional Telecom Infrastructure and without involving any extra incremental cost. Both these businesses have been severely impacted because of OTTs who are providing services at a fractional cost. OTT players should be asked to pay TSP network over and above the data charges paid by customers. This would be very much in line for providing a level playing field to the TSPs. A number of pricing mechanism involving 'URL based charging', band width / 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.

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)