



DG/COAI/2023/343
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Mahanagar Doorsanchar Bhawan,
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New Delhi- 110002

Subject: COAI response to TRAI's Draft Telecommunication Consumers Education and Protection Fund (Sixth Amendment) Regulations, 2023.

Dear Sir,

This is with reference to the TRAI's Draft Regulation on "Telecommunication Consumers Education and Protection Fund (Sixth Amendment), 2023" issued on 24th July 2023.

In this regard, please find enclosed COAI's response to the Draft Regulation.

We hope that our submission will merit your kind consideration and support.

With Regards,

Yours faithfully,

Digitally signed
by Lt. Gen Dr. SP
Kochhar
Date: 2023.08.14
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Cc:

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COAI's submission to the Draft Regulation on "Telecommunication Consumers Education and Protection Fund (Sixth Amendment) Regulations, 2023".

We thank the Authority for providing us with the opportunity to submit our response to the Draft Regulation "Telecommunication Consumers Education and Protection Fund (Sixth Amendment) Regulations, 2023.

1. The intention of establishing the telecommunication consumers education and protection fund (CUTCEF) has been to undertake various programmes to educate the consumers of the telecommunication services about various steps taken to protect the interests of the consumers. The programmes include the participation of TRAI officials, Industry Associations, CAGs and TSPs representatives. Such sessions have helped, not only to create awareness about consumer rights but have also helped the TSPs to understand the issues of the consumers.
2. **However, we submit that there are many aspects of the Regulations that need to be revised in order to keep up with the changing telecom landscape.**

Membership of CUTCEF:

3. The CUTCEF committee was formed to assist the Authority is consumer welfare measures and as per the current regulation, only two members from COAI are allowed to be represented at CUTCEF, despite of **all three members of COAI namely Bharti Airtel Limited (Airtel), Reliance Jio Infocomm Limited (RJio) and Vodafone Idea Limited (Vi) being the major Telecom Service Providers in the country with their services having Pan India presence.**
4. Apart from holding such a presence, the companies have vast experience in dealing with Customer Experiences and have strong feedback mechanisms that can help provide valuable inputs for consumer welfare and the contribution of all three members of COAI viz. Airtel, RJio and Vi will add value to the deliberations of the Committee.
5. Given the fact that the three members of COAI are the largest service providers having 1143 mn subscriber base, we assume that the members of COAI are making the maximum contribution to the fund. Further, the Draft Regulations proposes that COAI will bear the cost, without prejudice to our submissions on the issue of bearing the cost, it seems unfair if COAI participation is restricted, being the substantial contributors of the fund.
6. We submit that all three members of COAI namely, Airtel, RJio and Vi be allowed to become members of the Committee on Utilization of Telecommunication Education and Protection Fund (CUTCEF) being the substantial contributors of the fund.
7. In view of the above, we humbly urge the authority **to amend the draft regulation 8 (c) as under:**

"three representatives of the service providers to be nominated by the Cellular Operators Association of India being a society registered under the Societies Registration Act, 1860 (21 of 1860) or three representatives to be nominated by such other association of the service providers providing cellular mobile



telephone service, as may be approved for the purposes of these regulations by the Authority-----members”;

Utilization of TCEPF:

8. The excess amount collected or the amount that could not be refunded to the consumers is deposited into the TCEPF by the service providers. This fund is utilized based on the approval of the committee constituted for utilization of the amount in TCEPF. We understand that the primary utility of this Fund should remain consumer welfare only. Further, the purpose of the committee and all its members, irrespective of the organizations they represent, is to assist the Authority in the utilization of the amount collected under the regulations.
9. Therefore, the proposal for bearing the expenses of all Authority nominated members, including the nominated CAG members from the Fund, under Regulation 13 of the main Regulations, seems discriminatory and may not be an appropriate usage of the Fund. We submit that by making the CUTCEF meetings online this expense can be completely avoided, while simultaneously ensuring the participation of all the nominated CAG members.
10. Hence the CUTCEF meetings should be preferably held online, however, in case the Authority desires that the expenses (including travelling allowance and all other allowances) of the members of the committee for attending the meetings of the committee shall be met out of the incomes of TCEPF, then the same should be applicable for all members including the members from COAI and ISPAI.
11. There should be no discrimination in bearing the expenses amongst the members of the committee and parity should be brought by utilizing the funds for all members of the committee irrespective of whether the members belong to TRAI or from the Associations of the service providers.
12. In view of the above, clause 13 of the main regulation should be modified as under:

“13. Expenses of the Committee. --- The expenses (including travelling allowance and all other allowances) of the members of the committee for attending the meetings of the committee shall be met out of the incomes referred to in clause (b) of sub-regulation (2) of regulation 5 with the approval of the Authority in respect of representatives under clause (b) and clause (c) of regulation 8”.
13. **We further hereby emphasize that COAI has never incurred any expenses for the representatives of its member companies for attending any meetings, including CUTCEF meetings, as mentioned in the Regulation.**

Hence, we submit that Clause 13(b) should be deleted.

Workshops held by TSPs:

14. The fundamental objective of the fund is to carry out diverse initiatives aimed at educating consumers of telecommunication services about the measures taken to safeguard their interests and TSP-held consumer workshops play a major role to meet this objective.



15. Following the guidelines set by the Authority, TSPs have been conducting these workshops, extending invitations to both consumers and Consumer Advocacy Groups (CAGs). They have been covering the associated expenses. These physical workshops necessitate careful planning, the renting of venues, and various other incidental costs. It is reasonable for these expenses to be reimbursed to the respective TSPs through CUTCEF.
16. The number of wireless subscribers of the Licensed Telecom Service Providers (TSPs) is over 1143 million and significantly contributes to the CUTCEF. The TSPs play a major role in supporting the fund. TRAI employs these funds to organize seminars, symposia and workshops related to consumer welfare and education in the realm of telecommunications. However, the workshops held by TSPs are not funded from the CUTCEF fund. We submit that the TSPs should be required to hold their workshops online and in case a physical workshop is required, the same should be funded from the Fund.

Hence, it is suggested that the Regulation 6 (c) should be amended as under:

“to organize seminars, symposia and workshops, including CEWs organized by licensed TSPs, on the subject of consumer welfare and consumer education in the field of telecommunication”.

17. Further, we would also like to submit that **the objective of the existing TCEPF Regulation, Clause 6.2 (a), (b) and (c) should also consider building a digital platform and mobile app to be made accessible to all the stakeholders like subscribers, TSPs, etc.** This can be used to give information to the consumers about new papers, orders, regulations and upcoming workshops in their region, advisory on spam, fraud etc..

Procedure for depositing the excess amount collected by TSPs from the subscribers:

18. Various modes are being followed by TSPs for depositing excess amount collected by Service Providers from subscriber in TCEPF. We suggest that this should be simplified, and the existing banking procedure should be followed instead of mandating a single method. It is suggested that Regulation 4 of the existing TCEPF regulation be modified accordingly.

Exemption of Service SMS Charges:

19. The messages sent by Government entities for creating consumer awareness is an important consumer welfare and protection measure adopted by the Government and other agencies for the benefit of telecom consumers and in many cases, these messages are exempted by the Authority from the Service SMS charge under the Regulation 35 of ‘The Telecom Commercial Communications Customer Preference Regulations, 2018’ (TCCCPR-2018).
20. In this connection, we would like to draw the kind attention of the Authority to the Preamble of the TRAI Act i.e. *“to protect the interests of service providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector and for matters connected therewith or incidental thereto.”*



21. We submit that exemption of all the service messages sent by organizations exempted by the Authority from time to time puts unnecessary burden on the TSPs. Accordingly, we submit that the TSPs should be compensated for such exemptions.
22. We further submit that point (a) of sub-Regulation 2 of Regulation 6 on Utilization of the Telecommunication Consumers Education and Protection Fund, makes a provision for utilizing the Fund for consumer education measures by the Government and the Authority. We are extracting and reproducing the relevant Regulation below:

*6. Utilisation of the Telecommunication Consumers Education and Protection Fund. ----
--(1) All expenditure of the Telecommunication Consumers Education and Protection Fund shall be met out of the incomes referred to in clause (b) of sub-regulation (2) of regulation 5.*

(2) The amount available by way of income referred to in clause (b) of sub-regulation (2) of regulation 5, shall be utilized on the recommendation of the committee after obtaining the approval of the Authority, on the expenditure for the following purposes only, namely:-

(a) to undertake programs to educate the consumers of the Telecommunication services about various measures taken by the Central Government or the Authority for protecting the interests of consumers of telecommunication services.

23. We, therefore, submit that as the Fund can be utilized for sending consumer education and protection messages, therefore in all cases, the Authority exempts the issuing agency from the cost of the Service SMS charge, this charge should be borne from the Fund.

Accordingly, it is suggested that the Regulation 6(d) be added as under:

“6(d) to inform consumers through SMS by the respective TSPs regarding any alerts, notifications, etc. on behalf of the Government or Regulatory Bodies”.
