

No. 301/9/2000-TRAI (Econ.)

Dated 15th March, 2001.

To

**COAI
All Cellular Service Providers**

Sub: Charging of Migration Fee and WPC charges in contravention of the provisions of Telecommunication Tariff Order (TTO) 1999.

Sir,

1. The Telecommunication Tariff (Fourth Amendment) Order, 1999 provides that service providers cannot charge a fee when a subscriber moves from one tariff package to another. If such a fee has been charged, it constitutes a contravention of the provisions of TTO, 1999.

2. Similarly, vide TRAI letter no. 310-7(3)/99-TRAI (Econ) dated 26/4/99 it was clarified to all cellular service providers that while calculating standard tariff package in the TTO, 1999, the element of Wireless Planning & Coordination (WPC) Charges was included in the cost base. Thus, no additional charges towards WPC are to be recovered from the subscribers. If any service provider has charged SPC charges, this would constitute a contravention of the provisions of TTO, 1999.

3. Following complaints from consumer organizations, the Authority examined documents from service providers and held meetings to determine whether there had been any infringement of TTO, 1999. Our examination showed that certain documents contained a provision for charging of a fee from customers if they opt to change tariff plans in future and also a provision for levying WPC charges. We have, however, been advised by service providers that the charges for migration from one tariff package to another and WPC charges have not been levied.

4. While noting the contents of your statement that no charges for migration from one tariff package to another and WPC charges, have been levied, with a view to bringing the issue to an end, the Authority under the powers vested in terms of the Section 13 read with Section 11 (1)b of the Telecom Regulatory Authority of India (Amendment) Act 2000, hereby directs all the service providers.

- i) To delete statements in all the documents providing for charging of migration fee and WPC charges; and
- ii) To refund to the subscribers any such amounts if charged since implementation of TTO (Fourth Amendment) i.e. 1st May, 1999.

5. The direction of the Authority as above shall be implemented and compliance report shall be sent to the Authority by 15th April, 2001.

Yours faithfully,

**(HARSHA VARDHANA SINGH)
ECONOMIC ADVISOR**