

03rd Sep 2012

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Advisor (CI & QOS),
The Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
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New Delhi 110002

Sub: Idea Cellular's response to the TRAI Draft "The Telecom Commercial Communications Customer Preference (Tenth amendment) Regulations, 2012"

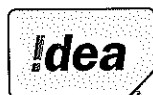
Dear Sir,

This is with reference to the Authority's invitation for comments on the above-mentioned Draft Regulation.

At the outset, Idea Cellular would like to submit that the provisions related to the charging of Rs 500/- penalty from subscribers sending UCC, disconnection of telecom resources of such unregistered telemarketers and further non-provisioning of any telecom resources for a period of 1 year, etc are operationally, logistically and legally not tenable, and hence they should be dropped from the final amendment release.

Further, in addition to the COAI comments that we endorse, our additional comments are as follows:

- It is common fact that the Indian Mobile Market is one of the most competitive across the Globe resulting in tariffs and ARPUs that are amongst the lowest in the World. As per the latest TRAI statistics, the prepaid ARPU in India is a meager Rs 85/- (GSM).
- Moreover, an overwhelming majority of the telecom subscribers are from the lifetime category, where currently a recharge of just Rs 200/- over a 6 months period is sufficient to keep the connection live for an active customer.
- This in turn implies that the Indian prepaid consumers do not need to keep high balances in their prepaid accounts. In view of the same, implementing the TRAI proposed action of realizing a penalty of Rs 500/- from a defaulting subscriber would be a very difficult task for the vast majority of defaulting prepaid subscribers. In addition, implementing such a process would be also operationally challenging, and one that would require dedicated resources, thus adding to the already mounting regulatory costs.
- While we are in agreement with the TRAI's view that habitual offenders indulging in the activity of sending UCC be restrained from acquiring a new mobile connection within a year of committing the violation, we feel that it is also operationally very difficult to implement due to the wide availability of options with such customers like moving out to a different service provider, taking a new connection under the name of their family members, etc.



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- In addition, in the case of UCC by voice, there is no way the evidence for default can be established, which leaves tremendous scope for the imposed penalties to be challenged in Courts, fictitious complaints from customers to settle their personal scores, etc.
- In view of the above, we would urge the TRAI that the above provisions related to charging of Rs 500/- penalty on unregistered telemarketers, disconnection of telecom resources of such unregistered telemarketers and non-provisioning of any telecom resources for a period of 1 year be dropped from the final Tenth amendment to the Regulation.
- On the issue of sending of SMS to our user base, we can definitely support that endeavor. However, the TRAI should note that we feel there is a strong likelihood of customers feeling disturbed from inflow of such SMSs and taking offence at that. Moreover, we strongly recommend that such SMS should be sent without any mention of the penalty provisions, which as mentioned above, are practically difficult to implement.
- With respect to the proposed format for registering of UCC related complaints through SMS to 1909, we feel that removal of time stamp capturing will make the entire process of tracking CDRs for complaint resolution extremely cumbersome, and slowdown the process considerably. We therefore recommend that the current SMS format, as mentioned below be retained.

"COMP TEL NO XXXXXXXXXXXX; dd/mm/yy; Time in hh:mm; short description of UCC"

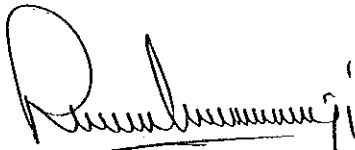
Where XXXXXXXXXXXX – is the telephone number or header of the SMS, as the case may be, from which the unsolicited commercial communication has originated

We earnestly believe that the Authority will give due-consideration to our comments before formalizing any final opinion on the subject.

Thanking You

Yours faithfully,

For IDEA Cellular Limited.



Rajat Mukarji
Chief Corporate Affairs Officer