

Information note to the Press (Press Release no.03 /2016)

For Immediate Release

TELECOM REGULATORY AUTHORITY OF INDIA

**Consultation process on Differential Pricing for Data Services –
Message to the Stakeholders – by Facebook**

New Delhi, the 12th January, 2016: Telecom Regulatory Authority of India (TRAI) had released a Consultation Paper on 'Differential Pricing for Data Services' on 09.12.2015 inviting written comments from stakeholders by 30.12.2015 which was later extended up to 07.01.2016.

2. TRAI has received about 24 lakhs responses from the stakeholders, out of which around 5.44 lakh responses were received through email with the domain name 'facebookmail.com'. Similarly, we have also received around 13.5 lakh responses through '@support free basics.in' where only a mobile number of the sender is mentioned. In both the above sets of responses, the respondents have not given their comments on the specific questions raised in the Consultation Paper but have only submitted their response in a fixed template.

3. Since quite a large number of responses were received through facebook platform without addressing the Questions raised in the Consultation Paper, TRAI wrote a letter to facebook on 01.01.2016 requesting them to advise their users to send comments to the specific Questions raised in the Consultation Paper. Facebook responded vide their letter dated 06.01.2016. Since there was no clarity on whether Facebook has conveyed TRAI's message to their users, TRAI has again requested Facebook vide letter dated 07.01.2016 to confirm whether Facebook has communicated TRAI's message to the users and the manner in which the same was conveyed. Facebook has not responded to TRAI letter dated 07.01.2016 till date.

4. Copies of the three correspondences mentioned above, are being attached for information of all concerned.


(Sudhir Gupta)
Secretary, TRAI



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA

भारत सरकार/Government of India

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg
(पुराना मिनटो रोड) नई दिल्ली/(Old Minto Road), New Delhi-110002

फैक्स/Fax : +91-11-23213294, ईपीबीएक्स नं०/ EPBX No. : +91-11-23664145



F.No.303-1(2)/2015-F&EA

1st January, 2016

To

Ms. Ankhi Das,
Director-Public Policy,
India, South & Central Asia
Facebook India Online Services Pvt. Ltd.
Suite No.422 & 424,
Taj Mahal Hotel,
No.1 Mansingh Road
New Delhi - 110 001.

Dear Ms. Das,

As you are aware TRAI had issued a Consultation Paper on Differential Pricing for Data Services on 9th December, 2015. The stakeholders were requested to give their comments on the issues raised in the paper by 30th December, 2015 which has now been extended to 7th January, 2016. In response to this paper, TRAI has received around 5.44 lakh responses through email with the domain name 'facebookmail.com'. Similarly, we have also received around 10.3 lakh responses through '@support free basics.in' where only a telephone number of the sender is mentioned.

2. In both the above sets of responses, the respondents have not given their comments on the specific questions raised in the Consultation Paper but have only submitted their response in a fixed template. In order to get a detailed response on the issues raised in the Consultation Paper, TRAI has decided to write back to them. However, in the absence of any valid communication address, we are unable to contact them directly. As the responses have been forwarded to us using your platform, it is requested that the enclosed message may be sent/ forwarded to all such users immediately so that they could respond to TRAI's questions raised in the Consultation paper on Differential Pricing for Data Services. The text of the message is attached herewith.

3. A line in on the action taken would be highly appreciated:

Yours faithfully,

(K.V. Sebastian)
Joint Advisor (F&EA)
Tel: 011-23664183

MESSAGE FROM TRAI

Thank you for your e-mail addressed to TRAI in response to the Consultation Paper on "Differential pricing for data services" issued on 9th December 2015.

This is to inform you that in the said Consultation Paper, TRAI had sought comments of the stakeholders on certain specific questions. A perusal of your response indicates that your comments are not addressing the questions that were posed in the Consultation paper. Hence, you are requested to give your response to the specific questions along with the justification so as to facilitate the Authority to frame Regulatory Guidelines on the subject. The link to the consultation paper is:

<http://www.trai.gov.in/WriteReaddata/ConsultationPaper/Document/CP-Differential-Pricing-09122015.pdf>

As your inputs would be valuable for the decision making process, the Authority has extended the last date for sending the comments to 7th January 2016 from 30th December 2015. The responses may be sent to Ms. Vinod Kotwal, Advisor (F&EA), TRAI on the e-mail id: advisorfeal@traigov.in or advfeal@traigov.in.

facebook

To,
Mr. K.V. Sebastian,
Joint Advisor (F&EA),
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg, New Delhi- 110002

6th January 2016

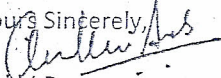
Subject: Response to Your Letter Dated- 1/1/2016, Reference No. F.No. 303-1(2)/2015-F&EA

Dear Mr. Sebastian,

After consultation with the relevant decision makers at Facebook Inc. and Facebook Ireland, I am pleased to respond to your letter dated January 1, 2015, reference no. F.No. 303-1(2)/2015-F&EA

- (i) TRAI's consultation paper on differential pricing for data services is rightly guided by the goal of outlining a policy for India that encourages and promotes access, so that millions of unconnected across India are able to get the benefits of connectivity.
- (ii) We believe that more stakeholders, particularly users, should actively take part in this consultation process so that TRAI can have a view of diverse stakeholders on this issue.
- (iii) Facebook therefore gave people an opportunity to write to TRAI and show support for 'digital equality' and Free Basics, both through Facebook and by running a missed call campaign for those who are unconnected.
- (iv) We are pleased to inform you that our records show that more than 11 million people sent TRAI an email supporting 'digital equality' and Free Basics. We believe the answers already address your questions as the comments clearly support rules that will allow Free Basics to continue to operate under any regulatory regime.
- (v) As suggested by you, we have reached out to the users who responded through Facebook, asking them to specifically answer the four questions that you have raised in the consultation paper. Also, as discussed with you previously, we will not be able to reach out to the people who responded via a missed call, as we do not have their email addresses on record.

We hope the above addresses your concern.

Yours Sincerely,

Ankhi Das
Director, Public Policy
India, South and Central Asia

JA(S)
Mohamed
9/1/2016

भारतीय दूरसंचार विनियामक प्राधिकरण महानगर दूरसंचार भवन, नई दिल्ली
07 JAN 2016
डाकरी सं. 435

सं. 186
दिनांक 8/1/16



भारतीय दूरसंचार विनियामक प्राधिकरण
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F.No.303-1(2)/2015-F&EA

7th January, 2016

To

Ms. Ankhi Das,
Director-Public Policy,
India, South & Central Asia
Facebook India Online Services Pvt. Ltd.
Suite No.422 & 424,
Taj Mahal Hotel,
No.1 Mansingh Road
New Delhi - 110 001.

Dear Ms. Das,

This is with reference to your letter dated 06.01.2016 in response to TRAI letter of even number dated 01.01.2016. The Authority has taken note of the contents of your letter and has directed me to convey the following:

- (i) TRAI vide its letter dated 1st January 2016, informed you that comments received from users with the domain name 'facebookmail.com' and '@support free basics.in' were not on the specific questions raised in the Consultation Paper. As these users had not communicated any valid communication address, TRAI was unable to communicate with them directly. Therefore, you were requested to communicate TRAI's text message to all such users immediately so that they could comment on the specific questions raised in the Consultation Paper. However, from your letter date 6th January, 2016, we are unable to make out whether you have communicated TRAI's message to all users who had earlier sent their responses to us through platforms provided by you.
- (ii) It is conveyed through your letter under reference that you are unable to reach out to the users who responded via missed calls as you do not have their email addresses. As those responses had come through Facebook's platform, it is expected that you would find ways to communicate TRAI's message to such users as well. Even if you did not have their emails, you could certainly communicate the TRAI message through SMS text or other means and would have guided them the url of the Consultation Paper of TRAI which has all the questions to which the respondents had to respond. TRAI would like to convey its disappointment to Facebook on the issue as we do not have the benefit of the comments of such large number of users.

(iii) Your ibid response also claims that more than 11 million people have sent email to TRAI supporting 'digital equality' and 'free basics'. However, as per our records, the number of responses received through both platforms ('facebookmail.com' and '@supportfreebasics.in') as on 6th January 2016 is only 18.90 lakhs (1.89 million). Hence either the figures provided by you are wrong, or TRAI has not received the rest of the responses (if your figure of 11 million is correct.)

(iv) It is also observed that despite TRAI requesting Facebook on 1st January, 2016 to communicate TRAI's text message to users using your platforms for sending revised responses commenting on specific issues raised in the Consultation Paper, not even a single revised response has come from any such user till now. It appears that you have not been able to convey the message to your users (whose mail ids were with you) in time.

2. In view of the above, it is requested to elucidate whether Facebook has communicated TRAI's message to the users and the manner/ text in which the same was conveyed. Further, the date and time of reaching out to the Facebook users as requested by TRAI may also be intimated. As you are aware, the extended deadline for filing the comments on the Consultation closes today.

3. An early response by return mail will be appreciated.

Yours faithfully,



(K.V. Sebastian)
Joint Advisor (F&EA)
Tel: 011-23664183