

Consultation paper No: 10/2010



# **Telecom Regulatory Authority of India**

## **Consultation Paper on Review of measures to protect interest of consumers in the telecom Sector**

**New Delhi, India  
Dated 2<sup>nd</sup> August, 2010**

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## **Preface**

The fast growth of mobile subscribers, increasing telecom penetration in rural and remote areas and launch of innovative value added services by service providers underline continued need to protect the interest of consumers.

As part of its sustained efforts to address the needs of the consumers, TRAI has decided to engage in a consultation process to review various measures already in place and to evolve appropriate further measures. All stakeholders are requested to send their comments preferably in electronic form on the issues raised in consultation paper by 1<sup>st</sup> September, 2010. Comments will be posted on TRAI's website as and when they are received. Counter comments, if any, to the comments may be sent to TRAI by 10<sup>th</sup> September, 2010. The consultation paper has already been placed on TRAI's website ([www.trai.gov.in](http://www.trai.gov.in)). For any clarification/information, Sh. S.K. Gupta, Advisor (QoS), TRAI may be contacted at Tel. No +91-11-23217914, Fax+91-11-23213036 or email at [advqos@traigov.in](mailto:advqos@traigov.in).

(Dr. J.S. Sarma)  
Chairman TRAI

## **INTRODUCTION**

- (i) The Telecom Regulatory Authority of India Act came into the in 1997 with an objective to protect the interest of service providers and customers of the telecom sector, to promote and ensure orderly growth of telecom sector and for matters connected there with or incidental thereto.
- (ii) Consumer protection is one of the focus areas of TRAI. TRAI has taken several measures to protect the interest of consumers, made available telecom services at affordable price and ensured Quality of Service being provided by telecom service providers. Effective redressal of consumer grievances has been given high priority. The Authority has issued following regulations from time to time:
- Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009.
  - Telecom Consumers Protection and Redressal of Grievances Regulations, 2007.
  - Quality of Service of Broadband Service Regulations 2006.
  - Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations 2006.
  - Regulations on Guidelines for Registration of Consumer Organizations/Non-Government Organizations (NGOs) and their Interaction with TRAI, 2001.
- (iii) The focus of these regulations have been to ensure provision of all the tariff related information to the subscriber before a customer is enrolled, details of the services provided and subsequent charges theiron once service have been activated, ensuring reliability of billing and metering, maintaining standard of QoS, and effective redressal of consumer grievances in case of any service disruption or other complaints. The

measures taken by TRAI have been effective by and large. It is a continuous process and necessary action has to be taken time to time to ensure protection of consumer interests.

- (iv) In order to facilitate focused attention, TRAI has issued a Pre-Consultation Paper on 'Telecom consumer protection and redressal of consumer grievances' on 11.5.2010 to seek the comments of the stakeholders on various areas relating to protection of consumer interests and to identifying various fields where specific focus is required for consumer protection. We have received feedback from the stakeholders. The feedback emphasizes need for effective redressal of consumer grievances at Call Centre level, feedback on redressal of consumer complaints by telecom service providers, information regarding call charges especially to prepaid subscribers and appropriate mechanism for grievance redressal in case of inadequate or no response from telecom service providers.
  
- (v) TRAI also convened a meeting of Chief Executives of different telecom service providers and select Consumer Advocacy Groups on 12.5.10 at Delhi to discuss measures to increase the effectiveness of Consumer grievance redressal mechanism being adopted by different telecom service providers. Issues related to transparency in telecom tariff packages, inaccessibility of Call Centres, Nodal Officers, Appellate Authority, low effectiveness of grievance redressal at the Call Centre, provision of value added services without explicit consent and delays in termination of the service after subscriber's request were the focus of discussion. There was a general consensus to enhance the effectiveness of redressal of consumer grievances at Call Centre level and further strengthen grievance redressal mechanism. Service Providers appreciated the need to educate the customers and generally agreed to conduct workshops for education of the customers. While increasing

telecom service penetration is bringing in more people to its fold, the launch of innovative services and associated issues are getting more complex day by day. Consumer education is necessary to facilitate them to take informed decisions and reap the fruits of telecom evolution.

- (vi) We already have 672 million telecom subscribers growing at a rate of about 18 million per month. There are strong expectations for this growth to continue and total figure of mobile subscribers to cross 1000 million by 2014. The telecom growth so far has been voice-centric but it is expected to shift to data services. Though present growth of Broadband is limited, we are now focused to enhance Broadband growth and expect about 100 million Broadband connections by 2014. The introduction of different applications, enhanced bandwidth requirement and its time sensitivity will require redefining Quality of Service parameters. Ensuring quality of service in multi service provider environment for variety of contents will be a key challenge. The quality sensitive subscribers are now using a new term 'Quality of Experience' to lay more emphasis on required quality of service. Quality of experience is defined as the overall acceptability of an application or service as perceived by the end users. The quality of service standards have to be relooked in view of changing environment.
- (vii) In order to take the holistic view to protect the interest of the consumers by ensuring quality of service, effective redressal of consumer grievances and educating the customers, the Authority has suo-moto initiated this Consultation Paper to seek the view of the stakeholders. The focus of the consultation paper is:
- To review the customer centric QoS parameters for wireline and wireless services

- To deliberate on various metering and billing issues related to customers.
- To examine various provision of present redressal of consumer grievance redressal mechanism and areas for further strengthening.
- To evaluate the need of consumer education and built opinion on appropriate framework.

(viii) The consultation paper may result in:

- Issuing new regulations or modification of existing regulations;
- Recommendation to government on specific issue, if required;
- Any other action, which may be felt necessary during the course of deliberation with stakeholders to effectively protect the interest of consumers.

(ix) The first chapter on 'International experience' in this Consultation Paper discusses quality of service parameters and redressal of consumer grievances adopted by various countries. The second chapter on 'QoS regulations' deals with quality of service regulations and consumer centric metering & billing issues. The third chapter on 'Redressal of Consumer Grievances' deals with existing provisions and issues to improve the effectiveness of redressal of consumer grievances. The fourth chapter on 'Other issues' is focused on issues such as consumer education, web based system on telecom consumers Grievances Monitoring System etc. The fifth chapter compiles 'Issues for consultation'.

# **CHAPTER - I**

## **INTERNATIONAL PRACTICES**

### **A. INTERNATIONAL PRACTICES RELATING TO QUALITY OF SERVICE**

#### **1. Singapore**

- 1.1 The Quality of Service Standards for Cellular Mobile Telephone service in Singapore are:
- i. The on-street level service coverage shall be > 95% for each defined test route. Test routes will include all major and small roads and expressways but excludes all car parks. The in-building service coverage shall be > 85% per building that includes all public access areas of buildings within CBD and outside CBD, including the first basement level.
  - ii. The acceptable congestion level experienced within the network should be such that not more than 5% of cells should be experiencing > 5% reduced GoS during busy hour and/or at any one time.
  - iii. Average FTP downloads speed of 5 MB file from a reference server.
  - iv. For each instance of non-compliance, a financial penalty of \$5,000 per standard per month may be imposed.
  - v. For parameters related to network congestion, Success rate, Drop rate etc. Refer Table 1, Annexure-2.
- 1.2 The Quality of Service Standards for Basic Telephone service in Singapore are:
- i. 95% of DELs are to be installed and activated within 5 working days or date specified by customers and 100% of DELs are to be activated and installed within 4 working days or time specified.
  - ii. Telephone Fault Repair Time: 90% of the faults reported are to be fixed within 24 hours and 99.9% within 72 hours.
  - iii. The number of faults reported per 100 DELs has to be less than 0.5.



- iv. For each instance of non-compliance, a financial penalty of \$5,000 per standard per month may be imposed.
- v. For other Related parameters Refer Table 2, Annexure-2.

1.3 The Quality of Service Standards for Broadband service in Singapore are:

- i. Network Availability i.e. the measure of the degree to which the access network is operable and not in a state of failure or outage at any point of time has to be greater than 99.9%.
- ii. The Local network Latency has to be  $\leq 50$  msec and International Network Latency has to be  $\leq 300$  msec.
- iii. For each instance of non-compliance, a financial penalty of \$5,000 per standard per month may be imposed
- iv. Most of the parameters like Number of Complaints per 1000 subscribers, Throughput, Network Availability etc. are used for monitoring by IDA. Refer Table 3, Annexure-2.

## **2. Malaysia**

1.4 The Quality of Service Standards for Cellular Mobile Telephone service in Malaysia are:

- i. The percentage of billing complaints in any one billing period shall not exceed 2 % of the total number of bills.
- ii. 90% Billing complaints shall be resolved within 15 business days and 95% shall be resolved within 30 business days of receipt of complaint.
- iii. Not more than 5% intra network calls should result in dropped calls.
- iv. 90% of operator assisted calls shall be answered in not more than 10 Sec and 100% calls within shall be answered than 20 seconds.
- v. For Other Related parameters Refer Table 4, Annexure-2.

1.5 The Quality of Service Standards for Basic Telephone service in Malaysia are:

- i. The percentage of billing complaints in any one billing period shall not exceed 2 % of the total number of bills.
- ii. 90% of Billing complaints shall be resolved within 15 business days and 95% shall be resolved within 30 business days of receipt of complaint.
- iii. 80% of installation orders shall be fulfilled within 24 hours, 90% within 48 hours and 100% within 7 days of receipt of order.
- iv. Not more than 6% of all intra network calls shall be lost calls.
- v. 90% of operator assisted calls shall be answered in not more than 10 Sec and 100% calls within shall be answered than 20 seconds.
- vi. 80% of service restoration requests shall be fulfilled within 24 hours and 90% within 48 hours of receipt of request.
- vii. For Other Related parameters Refer Table 5, Annexure-2.

### **3. Nigeria**

1.6 The Quality of Service Standards for Cellular Mobile Telephone service in Nigeria are:

- i. Account complaint rate has to be 10 complaints to every one million bills/accounts.
- ii. Complaint related to charging for line rental at incorrect rate has to be resolved within 5 days.
- iii. Complaint related to Charging for calls/SMS messages at incorrect Rates or more than once has to be resolved within 1 hour.
- iv. Complaint related to failed attempts to load recharge payments has to be resolved within 3 Hours for network related faults and 30 Minutes for software related faults.
- v. Maximum 10 complaints per day are allowed related to i. Wrongly cleared balance ii. Wrong IVR message iii. Failed attempts to determine the account balance iv. Failure to provide agreed content.

- vi. Time limit for recharge/bill payments to reflect on the account has to be within 1 hour.
- vii. In case of Post Paid accounts, there should be (i) a text notice after reaching 75% of credit limit, (ii) On reaching 100% of credit limit a constant IVR notice of credit expiry remains ON for the next 1 week, after which the Operator is at liberty to allow/disallow outgoing calls until debt is settled.
- viii. In case of Pre Paid Accounts, a Subscriber line may be deactivated if within six (6) months it has not been used for a Revenue Generating Event (RGE).If the situation persists for another 6months the subscriber may lose his/her number.
- ix. In case of call centre-
  - Maximum number of call-attempts before connecting to Customer Care Lines should not be more than three times
  - Maximum number of rings before a call is answered by either an IVR machine or a live agent should not be more than five
  - Where a customer decides to speak to a live agent, the maximum duration allowable on the queue should be 5 minutes before answer
  - In exceptional cases where live agent may be unavailable within 5 minutes to answer the call, a customer should be given an Option of hanging up to be called back within a maximum time of 30 minutes
- x. One access free number has to be there for Customer care lines that can be accessible through other networks.
- xi. 10 Minutes has to be the maximum waiting time to be physically attended to by relevant staff at customer care centers.
- xii. Some Network Performance parameters and their benchmarks are (Measured during Busy hours):
  - Call setup success rate- 98% of attempted calls

- Dropped Calls Rate- 2%
- Traffic Channel (TCH) Congestion- 2%
- SDCCH Congestion- 0.2%
- Interconnect Circuit (PoI) Congestion- 1%
- Interference protection ratio- Co-channel C/I =9dB, Adjacent channel C/I =-9dB
- Resolution time of BTS faults impacting on traffic- 2.5hrs Rural, 1.5hrs Urban (Exceptional circumstances such as late night failures in difficult locations must be announced via electronic media covering such location, within 2 Hrs)
- Number of complaints per day related to One-way/two-way loss of audio, Cross-talk, Call misdirection to unintended number, voice Quality – 50 per day
- Acknowledgement of delivery of all SMS/MMS/IMS messages sent- 100% unless deactivated by subscriber
- Cost information for all completed calls or RGE via text to the consumer- 100% within 5 minutes of hang-up unless deactivated by subscriber
- Circuit and Packet Switched Data Services- Upstream data rate has to be 95% of the data rate agreed with consumer, downstream data rate has to be 95% of the data rate agreed with consumer.
- Compensation for hours of data Services not rendered- At least 100% of loss in supply time

xiii. For other Related parameters Refer Table 6, Annexure-2.

1.7 The Quality of Service Standards for Basic Telephone service in Nigeria are:

- i. Account Complaint rate has to be 3% of customers in the reporting period.

- ii. Disconnection complaint resolution time has to be maximum of 1 working day.
- iii. Fault repair time has to be within 2 working days.
- iv. Call centre answer time has to be within 30 seconds.
- v. Call setup success ratio has to be 90% of attempted calls.
- vi. For other Related parameters Refer Table 7, Annexure-2.

1.8 The Quality of Service Standards for Broadband service in Nigeria are:

- i. Account Complaint rate has to be 3% of customers in the reporting period.
- ii. Disconnection complaint resolution time has to be within 1 working day.
- iii. Fault repair time has to be within 2 working days.
- iv. Service supply time has to be within 2 working days.
- v. For other Related parameters Refer Table 8, Annexure-2

#### 4. Australia

1.9 The Quality of Service Standards for Basic Telephone service in Australia are:

**Table 1.1 : QoS Standards for Basic Telephone Service**

| <u>QoS Parameter</u>                                    | <u>Benchmark</u>                     |
|---|--------------------------------------|
| <b>Connecting services readily available to cabling</b> |                                      |
| • All-All   | Within 2 working days                |
| • Urban – Equal to more than 10000 people               | Within 5 working days                |
| • Major rural- Between 2500 & 10000                     | Within 10 working days               |
| • Minor rural- Upto 2500 people                         | Within 15 working days               |
| <b>Repairing faults</b>                                 |                                      |
| Urban – Equal to more than 10000 people                 | End of next working day after report |
| Major rural- Between 2500 & 10000                       | End of second working day            |

|                               |  |
|-------------------------------|--|
| people                        | after report                             |
| Minor rural- Upto 2500 people | End of third working day<br>After report |

## 5. Pakistan

1.10 The Quality of Service Standards for Cellular Mobile Telephone service in Pakistan are:

**Table 1.2: QoS Standards for Cellular Mobile Telephone Service**

| Indicator                                     | Short Term (first 3 years)  | Long Term (3 years on)     |
|---|---|----------------------------|
| Air Interface Blocking                        | <= 4% in busy hour  | <= 2% in busy hour         |
| Call Completion Rate                          | > 96%   | > 98%                      |
| Call Connection Time                          | <= 7 seconds  | <= 5 seconds               |
| Call Quality                                  | MOS Score > 3   | MOS Score > 3              |
| Network Down-time (averaged across all sites) | < 2% in any 1 calendar month<br>< 1% over a 1 rolling year period | < 1% over a 1 month period |
| Cell-site Down-time (for each site)           | Not longer than 48 hours  | Not longer than 24 hours   |

## 6. Egypt

1.11 The Quality of Service Standards for Internet and Data Networks in Egypt are:

- i. Packet Loss <= 1%
- ii. Latency(Delay)
  - Local 150-200ms
  - International 200- 250 ms
- iii. Availability => 99.9%
- iv. Utilization <= 80%

1.12 The Quality of Service Standards for Mobile Service in Egypt are:

- i. Call Blocking Rate <= 2%
- ii. Drop Rate <= 2%
- iii. Coverage (85% of populated area)

iv. Voice Quality (According to International Standards)

## **7. Turkey**

1.13 The Quality of Service Standards followed in Turkey are:

- i. Fixed telephone operators which have significant market power shall provide the below data related with Supply Time for Initial Connection to Authority:
  - a) The times by which the 95 % and 99 % of orders are completed,
  - b) Percentage of orders completed by the date agreed with the customer.
- ii. Fixed telephone operators, which have significant market power, shall provide the ratio of Faults Rate Per Access line to Authority.
- iii. Fixed telephone operators which have significant market power shall provide the below data related with Fault Repair Time to Authority:
  - a) The time by which 80% and 95% of valid faults on access lines are repaired,
  - b) The time by which 80% and 95% of all other valid faults are repaired.
- iv. Fixed telephone operators which have significant market power shall provide the below data to Authority:
  - a) The percentage of unsuccessful calls for national calls,
  - b) The percentage of unsuccessful calls for international calls,
  - c) The number of observations performed for each value and the time period of observation.
- v. Fixed telephone operators which have significant market power shall provide the below data to Authority:
  - a) The mean value of set up time for national calls,
  - b) The time which 95% of national calls are set up,
  - c) The mean value of set up time for international calls,
  - d) The time which 95% of international calls are set up,

- e) The number of observations performed for national and international calls which are not categorized as unsuccessful and the time period of observation.
- vi. Fixed telephone operators which have significant market power shall provide the below data to Authority:
  - a) Mean time to answer,
  - b) Percentage of calls answered within 20 seconds.
- vii. Fixed telephone operators which have significant market power shall provide the below data to Authority:
  - a) The ratio of public pay-telephones in full working order,
  - b) The number of observations performed and the time period of observation.
- viii. The bill complaints ratio shall mean the proportion of bills in total number of bills resulting in a customer complaining about the correctness of a given bill. Fixed telephone operators, which have significant market power, shall provide the service based bill complaints ratios to Authority.
- ix. For detailed view, refer Turkey, Annexure-2.



## **B. INTERNATIONAL PRACTICES RELATING TO GRIEVANCE REDRESSAL**

The mechanism for handling of consumer complaints prevailing in some of the countries is given below:

### **1. Malaysia**

- 1.14 The Malaysian Communications and Multimedia Commission had issued guidelines for complaints handling in July 2003. The guidelines provide for the complaint handling process, requirements prior to the lodging of the complaints with the Commission, lodging of complaints, complaints handling and decision. There is no obligation on any consumer to refer complaints against licenses to the Commissioner. The consumer may choose to exercise any other option available under the law to obtain a satisfactory resolution to such complaints.
- 1.15 In October 2003, the Communications and Multimedia Consumer Forum of Malaysia had issued a General Consumer Code of Practice for the Communications and Multimedia Industry Malaysia. The Communications and Multimedia Consumer Forum of Malaysia, better known as the Consumer Forum, registered under the Registrar of Society, was established in February 2001 to encourage the development of industry self-regulation. It primarily develops and oversees Codes that serve the dual purpose of promoting high standards of service in the communications and multimedia industry while protecting the interest of the Malaysian consumer.
- 1.16 The Consumer Forum comprises members representing business and consumer interest. The communications and multimedia industry is represented on the business side (including telecommunications companies and broadcasting stations). The consumer interest is represented by non-governmental organizations and public interest groups. Membership to the Consumer Forum is open to all and

members are encouraged to participate in ongoing activities such as reviewing of Codes and educational programmes. There is a membership fee, which depends on membership category, i.e., ordinary members and associate members.

1.17 Some of the key objectives of the Forum are:

- provide an avenue and channel for complaints, disputes and grievances.
- recommend inexpensive and practical alternative dispute resolution procedures, for example, mediation.

1.18 The General Consumer Code of Practice provides for, amongst others, rules of the Code concerning to provision of information such as description of service, pricing information, packaging of service, terms and termination, customer rights of redress, instructions for use, customer billing, charging, collection and credit practices, provision of service and fault repair of service. With respect to complaint handling, it provides description of the complaint handling system, visibility and accessibility, responsiveness, further recourse and retention of record etc. This Code of Practice also includes Code compliances by Service Providers for reporting and monitoring, including Code adherence. As per the Code adherence for Consumer complaints, all complaints by consumers will first be lodged and dealt with by the relevant service provider. In the event the consumer remains dissatisfied with the resolution of the complaint by the service provider, the consumer may lodge a complaint with the Forum.

## **2. South Africa**

1.19 A consumer can lodge any consumer complaint against any person licensed by Independent Communications Authority of South Africa (ICASA) to provide communications services such as broadcasting,

telecommunications, Internet or postal services. Examples of such companies licensed by ICASA are Telkom, Vodacom, MTN etc.

- 1.20 Consumers must lodge their complaints firstly with the Service Provider with whom they have transacted with, before forwarding the matter to ICASA.
- 1.21 Should a consumer not get his/her complaint resolved by the Customer Care Representative of the Service Provider, he/she must demand that the complaint be handled by the Supervisor of the Customer Care Representative.
- 1.22 Should the complaint not be resolved at that level, the complainant must demand that the complaint be handled by the relevant Manager until all the relevant levels of seniority have been given an opportunity to resolve the complaint before forwarding it to ICASA.
- 1.23 The complainants must demand to be given the Reference Number for the complaint they lodge with their respective Service Providers. Alternatively, complainants must note down the names of the person they dealt with and the dates when they lodged a complaint, as well as all other dates when they made enquiries or had discussions with the Service Provider, regarding their complaint.
- 1.24 If the complaint is still not resolved the complainant can forward the complaint to ICASA after exhausting all the above avenues without success.
- 1.25 All consumer complaints must be sent to the Consumer Affairs division either by post, fax, e-mail, telephonically or by simply walking in to the ICASA office.
- 1.26 The Consumer Affairs Division will acknowledge receipt of a complaint within two working days. The acknowledgement letter shall state the case Reference Number and the Officer who will be dealing with the complaint.

- 1.27 ICASA will demand a response from the Service Provider within 14 working days upon receipt of a complaint, in compliance with the applicable regulations.
- 1.28 ICASA will appraise the complainant about how the complaint was resolved upon receipt of a response and enquire from the complainant if he/she is satisfied with the outcome. If the complainant is satisfied, the complaint shall be considered as finalized.
- 1.29 If the complainant is still not satisfied with the response from the Service Provider. The Consumer Affairs will re-look into the merits of the facts of both the complainant and the respondent and on the basis of that, determine if the complaint should be escalated to the Complaints and Compliance Committee (CCC) for adjudication. The Complaints and Compliance Committee CCC is a statutory body established in terms of Section 17 of the Independent Communications Authority of South Africa (ICASA) Act to, among others, investigate, hear and make findings on all matters referred to it by the Authority, complaints received by it and allegations of non-compliance with this Act or the underlying statutes received by it. ICASA may appoint an internal Officer to make representations on behalf of the complainants to the CCC, or the complainants may make their own representations, should they so demand or request.
- 1.30 Further the resolution is done by hearing in complainant's and Service provider's presence.
- 1.31 **The Authority published a notice in the Government Gazette No 32884 on 22 January 2010 conveying its intention to prescribe regulations in respect of the rules and procedures for the adjudication of complaints and resolution of disputes referred to the CCC. ICASA is currently undertaking public consultation in this regard.**

### **3. Pakistan**

1.32 Pakistan Telecommunication Authority (PTA) established a dedicated Consumer Complaint Cell in January 01, 2002 with a view to provide a platform to lodge their respective complaints against telecom licensees with an aim to ensure expeditious relief to their respective grievances against telecommunication services. Till July 2009, more than 80,000 complaints have been received and redressed by the said Cell. Against the backdrop of a large inflow of complaints being received by the Regulator from telecom consumers, in September 2008, PTA established *Consumer Protection Directorate* (CPD) at its Headquarters in Islamabad. The said directorate comprises of a dedicated team to which the consumers have access through Toll Free Number, telephone, fax, e-mail, PTA website, post and in person visitation at the PTA HQs. Moreover consumers can also access PTA Zonal Offices for redressal of their complaints.

1.33 The following are the areas of focus of CPD:

- Lodging & Redressal of telecom consumer complaints made to the Authority through Toll Free Number, Telephone, Fax, E-mail & Web mail
- Analysis of consumer complaints with a view to isolate key problem areas and their rectification
- Aim to gauge the pulse of telecom consumers with a view to pursue matters with the industry to achieve maximum consumer satisfaction
- Proactive role in taking up issues that are found to be violating basic consumer rights and to take measures against practices that may harm consumer interests.
- Identifying areas for Regulatory work for larger consumer protection

1.34 Further, PTA issued the Consumer Protection Regulations, 2009 detailing the Consumer Grievances Mechanism which would ensure proper resolution to the problems being faced by the telecom sector consumers. In case the customer has a complaint he has to take up the

issue with his service provider and if the issue is not resolved, the consumer should file the complaint with the PTA Consumer Protection Directorate.

1.35 **The Salient Features of Consumer Protection Regulations, 2009 are-**

- **Service Provisioning** per consumer choice, request & without discrimination
- No service **disruption, suspension or termination** without (30 days) prior notice, communicating substantial reasons or as per well defined policies communicated to the consumer
- No activation or deactivation of services/packages without user consent
- Fair Commercial Practices/Advertisement
  - Not to be misleading, inadequate or unclear in terms & tariffs
  - Clear & complete specification of tariff information
  - Detailed Billing information as per license conditions
  - Publication of Code of Commercial Practice & Service Contract for the awareness of consumers
- **Consumer Complaint Handling & Redressal Mechanism**
  - Lodging of complaints with specified contact details
  - Handling of complaints
  - Complaint No
  - Timeline for redressal
  - Information regarding Escalation Path
  - Redressal measures communicated to complainant
  - Well defined perusal of consumer complaints forwarded through PTA
- **Ensuring confidentiality** of Consumer information
- **Publication** of Consumer Manual including

- All tariff Details for the packages
- Redressal contact & procedural details
- Media campaign on the matter

#### **4. Canada**

1.36 On July 10, 2007, the Commissioner for Complaints for Telecommunications Services (CCTS) is incorporated under Federal Corporation's law as a not-for-profit corporation.

1.37 CCTS Board is structured to provide for the participation of all stakeholders while remaining independent from the telecommunications industry. It consists of eight directors, seven of whom are voting directors:

- Four Independent Directors, two of whom are nominees of consumer groups. The Independent Directors are intended to represent a diversity of experience and interests, including individuals known and respected on a regional and national basis and representative of the Canadian population, including gender, linguistic, minority and geographic representation;
- Three Industry Directors, one each to represent the ILEC (Incumbent Local Exchange Carrier) Members, the Cable Company Members, and the Other Participating Service Provider Members; and
- The Commissioner, who is a non-voting Director, and is independent of the telecommunications industry.

1.38 When a complaint is received by CCTS, it is reviewed to determine whether it falls within its mandate. If so, a copy is forward to the telecommunications service provider with the request to the service provider to attempt to resolve the matter with the customer and report back to CCTS within 20 business days.

- 1.39 When the service provider responds, the response is evaluated to determine whether the complaint has been resolved to the satisfaction of the customer. This is the stage at which the majority of complaints are resolved. When a complaint remains unresolved CCTS assess its complexity, the amount of additional information which may be required, and the likelihood of successfully resolving the matter informally.
- 1.40 Complaints that appear to be amenable to informal resolution are assigned to a member of its staff who will work with the customer and the service provider to arrive at a prompt resolution of the dispute. It may request additional information and documentation from both parties to effectively “mediate” a resolution. Many of these complaints are resolved to the satisfaction of both parties at this stage.
- 1.41 Complaints which raise particularly challenging issues or are otherwise especially complex will be investigated. During an investigation, CCTS will request additional information or documentation from one or both parties to help determine whether the service provider reasonably performed its obligations pursuant to the terms of the contract between it and the customer. Throughout the investigation, it may also attempt to informally mediate a resolution of the dispute.
- 1.42 A complaint can be rejected or dismissed at any stage of the investigation/resolution process should it determine that the service provider has taken reasonable steps to resolve the complaint, even if this resolution is not acceptable to the customer. In cases in which CCTS conclude that the TSP has acted reasonably in fulfilling its obligations under its contract with the customer, or has made a reasonable settlement offer, it may decide to take no further action on the complaint.
- 1.43 Upon completing an investigation, CCTS can make a written Recommendation for the resolution of the complaint, based on its analysis of the complaint. It may recommend that the service provider



take some action or refrain from taking some action (for example, connection or disconnection of service, waiver of charges, collections activity). Or perhaps something simple, like an apology, may provide the necessary redress. It may also recommend that the service provider make a payment to the customer as compensation for any loss, damage or inconvenience suffered by the customer arising directly from the facts disclosed by the complaint (to a maximum of \$5,000). The process provides both the customer and the service provider with some time to consider the Recommendation and determine whether to accept or reject it.

- 1.44 If either the customer or the service provider rejects the Recommendation, CCTS ask them to explain why so that it can reconsider the Recommendation in light of their continuing concerns. CCTS will consider the reasons for rejecting the Recommendation, and then issue a Decision. In the Decision, the Commissioner may maintain the Recommendation, or may modify or change it. If the Decision is accepted by the customer it becomes binding on the service provider and must be implemented. However, the customer is entitled to reject the Decision. If the customer does so, the service provider is not required to carry it out and the customer retains all of the usual legal rights and remedies and is free to pursue them.

## **5. Egypt:**

- 1.45 Consumers must lodge their complaints firstly with the Service Provider with whom they have transacted with and seek resolution.
- 1.46 National Telecom Regulatory Authority (NTRA) Call Center: It acts as a second level of examining and solving such complaints in case the subscriber does not have his problem solved by the service provider.

- 1.47 The center sends the complaint to the concerned service operator or provider, asking for detailed and fast explanation regarding this complaint, and the procedures accomplished to solve this problem.
- 1.48 In case the complaint contains a legal dispute lying within NTRA scope of work, the Center may transfer it to the Legislation Sector in NTRA.
- 1.49 In addition to this, the Center may also transfer some complaints to the Regulatory Sector, if the complaint contains what may breach the license issued for the service provider or operator.
- 1.50 For a written complaint, the center confirms its reception by three days starting from the day the complaint is received.
- 1.51 For Technical complaints the NTRA tries to solve them within 10 days and for complaints that require sending technical teams for making some measurements NTRA tries to solve them within 21 days maximum.
- 1.52 For complaints outside NTRA scope of work, NTRA Call Center informs the user explaining why this complaint is outside its scope of work. In case of user acceptance, the Call Center may send the complaint to the service provider or operator recommending its solving, and informing NTRA of what happened concerning this problem.
- 1.53 If the user is not yet satisfied with the solution reached with the service provider or operator, he/she shall send a letter containing his / her complaint to the NTRA Executive President to review the complaint.

## **6. United Kingdom**

- 1.54 On 24 May 2005, Office of Communications (Ofcom) published the Customer Codes of Practice for handling complaints and resolving disputes – Guidelines for public electronic communication service providers seeking Ofcom approval. The salient features of these Guidelines are given below:
- 1.55 Section 52 of the Communications Act 2003 places a duty on Ofcom to set general conditions to ensure that communications providers

- establish and maintain procedures to, amongst other things, handle consumer complaints and resolve disputes between them and their domestic and small business customers.
- 1.56 General Condition 14 is the relevant condition for complaint handling and dispute resolution. Under General Condition 14.1, the communications provider must produce a basic code of practice for domestic and small business customers, which sets out clear and up to date information on standard terms and conditions, including prices and tariffs, for access to and use of a publicly available telephone services ('PATS'), as detailed in General Condition 10.2. This information must include details of the procedures for bringing an unresolved complaint to an alternative dispute resolution scheme (the 'Complaints Code of Practice').
- 1.57 The Complaints Code of Practice must be approved by Ofcom. These Guidelines are designed to help communications providers produce a Code, which Ofcom will be able to approve. To facilitate the process, Ofcom will produce an electronic template, which allows providers to submit codes for approval via email. Providers may use this template if they wish.
- 1.58 The Complaints Code of Practice must be written in plain and simple English. It must be easy to understand and easily accessible to customers, free of charge. The Code should be published on the provider's publicly accessible websites, where available.
- 1.59 Under General Condition 14.4 the provider is obliged to implement and comply with a dispute resolution scheme (ADR). If a provider is not a member of an approved ADR scheme, Ofcom will not approve its complaints code of practice.
- 1.60 There are penalties for non-compliance with General Condition 14. Under Section 96 of the Act, Ofcom may impose a penalty of up to ten per cent of turnover for failure to comply with a formal notification within the time period specified.

- 1.61 If any customer has a complaint about his service, whether about billing, customer service, faults and repairs or mis-selling, he should first contact his company.
- 1.62 If the service provider refuses to resolve the concerns - or says there is nothing it can do, customer should advise service provider that his complaint should be reviewed in accordance with their own complaints procedure which is contained within their Complaints Code of Practice.
- 1.63 If the problem is not resolved customer can submit his complaint to an independent Alternative Dispute Resolution Scheme (ADR). You do not pay any costs for using an ADR service.
- 1.64 Customer should ask his provider for a 'deadlock' letter so that he can refer his dispute to the relevant scheme or if more than eight weeks have passed since he first made the complaint he can contact the **Alternative Dispute Resolution**.
- 1.65 Alternative Dispute Resolution (ADR) schemes act as an independent middleman between the service provider and the customer. If the ADR scheme agrees with your complaint, it can order the service provider to fix the problem and could potentially make a financial award. It is a requirement that all service providers are members of an ADR scheme.
- 1.66 Ofcom has approved two ADR schemes – CISAS and Otelo. CISAS is Communications and Internet Services Adjudication Scheme and Otelo is Office of the Telecommunications Ombudsman. The phone company will tell customer which scheme it is a member of, or he can use our ADR checker.

## **7. Nigeria**

- 1.67 Consumers are always advised to first contact their service providers when they have problems. The Consumer Affairs Bureau (CAB) should be contacted only when all attempts to solve the problem with the service provider fails.

- 1.68 CAB was established to inform, educate and protect the consumers of telecommunications services in Nigeria. The Consumer Protection & Advocacy is one of the units of the CAB that is charged with the responsibility of responding to consumer complaints and enquiries
- 1.69 The Consumer protection and Advocacy Unit handles complaints/enquiries from consumers of telecoms products and services. Consumers can send their complaints through e-mail, formal letters, telephone calls, fax and by completing the consumer complaint form which could be downloaded from the NCC website.
- 1.70 When received, complaints are documented, read and analyzed. Acknowledgement letter/e-mail is sent to the complainant assuring that the issue is being handled.
- 1.71 The complaint is then forwarded to the service provider concerned with a definite time frame within which to respond to the issues raised and or resolve the complaint. Often times, the response would include actions taken to resolve the problem or suggestions by the operator on the ways and means of tackling the complaint.
- 1.72 The response received from the operator or service provider is analyzed, if satisfactory, it is forwarded to the Consumer and tracked down as resolved. If not satisfactory, a query is sent to the operator for further investigation and timely resolution.
- 1.73 If there is no response from operators within the stipulated period, follow-up actions is usually made through phone calls to the contact-person within the telecom company to respond.
- 1.74 In situations where the operator is uncooperative, the matter is escalated first to the **Head Consumer Affairs (HCA)** who may in turn escalate it to the Enforcement Team as the case may be. The **Executive Commissioner (Licensing Consumer Affairs) (EC (L&CA))**, is kept informed of the steps taken. For persistent non-cooperation from

operators the matter is escalated to the EC (L&CA) for Management decision.

## **8. U.S.A**

1.75 In U.S.A., the Communications Act provides several options for filing complaints about telecommunications services. In most instances, filing a consumer complaint with the Federal Communications Commission (FCC) allows for resolution of a complaint, including refunds/credits from the company involved in the dispute, at no additional cost to the consumer. However, if a consumer is seeking award of financial damages, he may choose to file a legal action with the FCC or in Federal District Court.

- **Federal District Court:** Customer may bring a lawsuit for the recovery of damages in a United States District Court **OR**
- **FCC:** A filing fee must be submitted with this type of complaint. This type of legal action is most often filed when the complainant the person or entity filing the complaint seeks a written Commission ruling which requires a carrier to pay damages resulting from an unlawful action. Because the Commission resolves this type of complaint in a manner similar to a court proceeding, it is strongly encouraged for consumers to seek the advice of legal counsel before filing an action.

## **9. Australia**

1.76 If customer has a complaint about his telecommunications service, he should first contact the service provider.

1.77 The Australian Communications and Media Authority (ACMA)'s role in telecommunications consumer protection is focused on the administration of Industry codes. While a provider's compliance with an industry code is voluntary, the ACMA may direct a provider to comply with a code.

- 1.78 If a written complaint is made, the service provider must acknowledge it within five (5) working days. For a verbal complaint acknowledgement is simply when the complaint is made. Regardless of how a complaint is made, the service provider must also advise the consumer how long it will take to resolve it.
- 1.79 Most complaints, with the exception of particularly complex issues, should be resolved within 30 days. The service provider must keep the customer informed about the progress of their complaint and any delays in finalization of the complaint.
- 1.80 If the consumer is dissatisfied with the outcome of his complaint, the service provider must advise him of further options. Where appropriate, he is entitled to escalate the complaint to a supervisor or higher manager, or if he is still dissatisfied he can contact the **Telecommunications Industry Ombudsman (TIO)**.
- 1.81 The Telecommunications Industry Ombudsman (TIO) is an independent dispute resolution service that can assist the consumers if they have been unable to resolve their complaint with their phone or Internet Company directly.
- 1.82 More than 90 per cent of complaints to the TIO are sorted out within a few days, but the more complex cases can take a few weeks. It depends on the nature of the complaint. The TIO service is free.

## **10. Japan**

- 1.83 Japan does not have specialized bodies for handling customer complaints related to telecommunications.
- 1.84 **Telecommunications Carriers:** They have established consumer consultation desks, and work to solve each complaint and inquiry that is received individually. With regard to individual cases that have caused large-scale social problems such as spam mails, advertising has been used to disseminate information concerning prevention methods.

- 1.85 If dissatisfied, complaints and inquiries by consumers concerning telecommunications are received at the **Telecommunications Consumer Affairs Office** and at **the Regional Bureaus of Telecommunications**, which then proceed to give advice to the consumers and take the complaint to the relevant telecommunications carriers. The ministry also uses such materials as pamphlets and posters for consumer enlightenment.
- 1.86 **Telecommunications Industry Bodies:** At the moment, no initiative has been taken to provide dispute resolution procedure for consumers on behalf of the industry as a whole.
- 1.87 Several telecommunications industry bodies have implemented various approaches to warn consumers, such as using their home pages to inform consumers of the conditions and negative aspects of using the Internet and building databases from the inquiries received by carriers from consumers, and making these available to the public. In addition, some of the groups have implemented individual guidelines on agencies' sales operations and the collection of private information.

## **11. Korea:**

- 1.88 In South Korea, disputes are handled by the Korean Communication Commission (KCC), a body affiliated with the Ministry of Information and Communication (MIC). The South Korean system is different than that of EU countries and the United States.
- 1.89 The commission consists of seven commissioners (one of whom is the chairman), who resolves disputes. The Complaint Center at the KCC handles the large majority of disputes between operators and customers in South Korea. Unusual problems or problems too large for the center to deal with can be processed through KCC arbitration



## **12. The European Consumer Complaints Foundation**

1.90 The Foundation represents a number of core principles, which are designed to guarantee consumer satisfaction:

- i) Licensees must have a Code of Practice, which has been approved by the CCform Foundation and is binding on all members/subscribers.
  - ii) Licensees must maintain a website on which its Code of Practice maybe accessed by consumers.
  - iii) If the trading company has an online presence, its website must provide a click-through mechanism to the website of the licensee to allow consumers to understand the principles under which it operates its complaints handling mechanism.
- 1.91 It is important that companies, which choose to register with the CCform Foundation, present a visible and transparent complaint mechanism using the CCform process. Registered companies must:
- Provide information on the CCform platform through their own medium and make direct reference on their website to the Consumer User Guide
  - Present CCform as one of their channels of complaint
  - Provide an Internet contact address where requests and questions concerning complaints can be made
  - Display the CCform logo within their advertising media, whether on or off-line, to demonstrate their preferred channel of complaint resolution
  - Provide a privacy policy with adequate information about the processing of personal data by their company. The privacy policy statement must be in accordance with EU law.

1.92 During the complaints process, registered companies are obliged to follow a number of guidelines, which are designed for the benefit of the consumer:

- Registered companies must process the complaints they receive in good faith and must provide their best efforts to reach appropriate complaint solutions, in accordance with the legitimate interests of the complainants.
- During the process of registering and resolution of a complaint, a variety of data are collected about the individual making the complaint and the nature of the complaint itself. The Foundation has a number of rules governing the processing and use of personal data.

### **13. Ireland**

#### **(a) Requirement of a Code of Practice for Consumer Complaints**

1.93 All licensees are required by ComReg to have a Code of Conduct for dealing with consumer complaints concerning installation delays, billing problems and repair/ service disruption (this list is not exhaustive). These Codes outline the level of response the customer can expect from an operator when they are dealing with the customer's complaint. Each Operator's Code specifies how complaints can be made and provides for the following steps under the complaint handling process:

- Acknowledgement of the complaint
- Investigation of the complaint
- Timeframes in which the complaint will be resolved
- Notification of Resolution of Complaint
- Internal Escalation points of contact

In addition, each operator's code lists the response timeframes on the different categories of complaints that operators receive.

1.94 A licensee is required to offer its services in accordance with a written contract with certain minimum terms and conditions.

(b) Handling of complaints regarding contracts

1.95 ComReg does not investigate matters of contractual nature, however, if a consumer feels that he/ she is subject to an unfair term or condition in the contract, he/ she may wish to contact the Office of the Director of Consumer Affairs.

(c) Billing complaints

1.96 If a customer is querying charges on the bill from the service provider, firstly, as with all complaints or queries, approach the service provider for an explanation. Ensure that the customer consult the operators Code of Practice for Handling Consumer Complaints, and follow the escalation procedure outlined within it. When querying service or call charges it may be useful to check the following

- if the charges have been raised on previous bills
- the calling pattern
- whether anyone else with access to the service may have generated the charges.

(d) Contact for complaint regarding installation or repair delays

1.97 Each service provider will have their own policy regarding the installation of their services. If a customer is experiencing delays in the provisioning of a service, it is advisable to contact the operator and request a forecast date and a reason for the delay. If the customer has escalated the complaint within the company, as per the Code of Practice, and are continuing to experience difficulties, the customer may wish to approach ComReg Office for advice and further assistance.

(e) Compensation in relation to complaint

1.98 ComReg does not currently prescribe compensation as a remedy for consumer complaints. If a customer is unable to reach an agreement with the service provider, the customer could consider seeking independent legal advice or pursuing compensation through the Small Claims Court.

(f) Disconnection of service

1.99 Should a customer fail to pay an account on or before the due payment date then the service may be subject to restriction or disconnection as per the terms and conditions of the contract with the service provider. This may manifest itself, in the case of a telephony service, as full or partial blocking of calls to and from consumer's telephone.

1.100 Each operator has set out its disconnection policy in its Code of Conduct for Complaints Handling and more generally within the terms and conditions of the contract for the service. Typically, an operator must provide adequate warning to its customer before initiating disconnection procedures. For further details, the customer should contact the operator directly.

(g) Consumer Complaint Handling

1.101 All operators are required to have a Code of Practice for handling complaints. Such Codes contain minimum standards as set by the Regulator and provide practical guidelines for consumers when dealing with their operator. Where a consumer has exhausted an operator's complaint handling process he can contact ComReg. Depending on the issue, ComReg will take up the matter directly with the operator. ComReg seeks to achieve an adequate response for the consumer by requesting the operator to re-examine the consumer's complaint in the light of any regulatory obligations. ComReg will monitor progress within

this process and, once notified by the operator that the matter has been resolved, will contact the customer to ensure he or she is satisfied.

**CHAPTER - II**  
**ISSUES RELATING TO QUALITY OF SERVICE**

**A. QOS ISSUES**

2.1. Telecom Regulatory Authority of India is concerned to protect the interest of customers. Accordingly focus has been laid to:

- (i) Create conditions for customer satisfaction by making known the quality of service which the service provider is required to provide and the user has a right to expect;
- (ii) Measure the Quality of Service provided by the Service Providers from time to time and to compare them with the benchmarks so as to assess the level of performance; and
- (iii) Protect the interests of consumers of telecommunication services.

2.2. The Authority, in exercise of its functions as per provisions in the TRAI Act, has laid down the Quality of Service standards, from time to time, for Basic Telephone Service (wireline), Cellular Mobile Telephone Service and Broadband Service. For Basic Telephone Service (wireline) and Cellular Mobile Telephone Service, the Authority had initially laid down the Quality of Service standards in July, 2000. This was reviewed in the year 2005 and revised Quality of Service standards for these services were laid down in July, 2005. These Quality of Service standards were further reviewed in the year 2009 and the Authority notified the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 on 20<sup>th</sup> March, 2009. These regulations have come into effect from 1<sup>st</sup> July, 2009 and presently the Quality of Service standards for Basic Telephone Service (wireline) and Cellular Mobile Telephone Service are governed by these regulations.

2.3. The Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 dated 20<sup>th</sup> March, 2009 provide for two sets of parameters viz. Quality of Service parameters in respect of which compliance reports are to be submitted to the Authority and Quality of Service parameters in respect of which compliance is to be monitored by service providers. The details of these parameters and benchmarks are given below:

**a. QUALITY OF SERVICE PARAMETERS FOR BASIC TELEPHONE SERVICE (WIRELINE)**

2.4. Quality of Service parameters in respect of which compliance reports are to be submitted to the Authority:

**Table 2.1: Basic Telephone service (Wireline) QoS Parameters for which report is given to the Authority**

| <b>Serial Number</b> | <b>Name of Parameter</b>                                | <b>Benchmark</b>  | <b>Averaged over a period</b> |
|----------------------|---|---|-------------------------------|
| (i)                  | Fault incidences (No. of faults/100 subscribers /month) | ≤ 5   | One Quarter                   |
| (ii)                 | Fault repair by next working day                        | <p><b>For urban areas:</b><br/>By next working day: ≥ 90% and within 3 days: 100%.</p> <p><b>For rural and hilly areas:</b><br/>By next working day: ≥ 90% and within 5 days: 100%.</p> <p><b>Rent Rebate</b><br/>Faults pending for &gt;3 days and ≤7 days: Rent rebate for 7 days.<br/>Faults pending for &gt;7 days and ≤15 days: Rent rebate for 15 days.<br/>Faults pending for &gt;15 days:</p> | One Quarter                   |

|        |   |  |                   |
|--------|---|--|-------------------|
|        |   | rent rebate for one month.   |                   |
| (iii)  | Mean Time To Repair (MTTR)  | $\leq 8$ Hrs   | One Quarter       |
| (iv)   | (a) Call Completion Rate within a local network shall be better than  | $\geq 55\%$  | One Quarter       |
|        | or,<br>(b) Answer to Seizure Ratio (ASR)  | $\geq 75\%$  | One Quarter       |
| (v)    | Point of Interconnection (POI) Congestion (on individual POI)   | $\leq 0.5\%$   | One month         |
| (vi)   | Metering and billing credibility – post paid  | Not more than 0.1% of bills issued should be disputed over a billing cycle                                       | One Billing Cycle |
| (vii)  | Metering and billing credibility -- pre-paid  | Not more than 1 complaint per 1000 customers, i.e., 0.1% complaints for metering, charging, credit, and validity | One Quarter       |
| (viii) | Resolution of billing/ charging complaints  | 100% within 4 weeks  | One Quarter       |
| (ix)   | Period of applying credit/ waiver/ adjustment to customer's account from the date of resolution of complaints | within 1 week of resolution of complaint   | One Quarter       |
| (x)    | Response Time to the customer for assistance  |  |                   |
|        | (a) Accessibility of call centre/ customer care   | $\geq 95\%$  | One Quarter       |
|        | (b) Percentage of calls answered by the operators (voice to voice) within 60 seconds                          | $\geq 90\%$  | One Quarter       |



|       |  |                      |             |
|-------|--|----------------------|-------------|
| (xi)  | Termination/ closure of service                  | ≤ 7 days             | One Quarter |
| (xii) | Time taken for refund of deposits after closures | 100% within 60 days. | One Quarter |

2.5. Quality of Service parameters in respect of which compliance is to be monitored by service providers:

**Table 2.2: Basic Telephone service (Wireline) QoS Parameters for which compliance is to be monitored by service providers**

| Serial Number | Name of Parameter  | Benchmark  | Averaged over a period |
|---------------|--|--|------------------------|
| <b>(i)</b>    | <b>Provision of a telephone after registration of demand</b> | 100% in ≤ 7 days (subject to technical feasibility)  | <b>One quarter</b>     |
| <b>(ii)</b>   | Shift of Telephone Connection                                | ≤ 3 days (95% of requests to be attended within 3 days)  | <b>One quarter</b>     |
| <b>(iii)</b>  | Grade of Service   | (a) Junctions between local exchanges – 0.002<br>(b) Outgoing junctions from Trunk Automatic Exchange (TAX) to local exchange – 0.005<br>(c) Incoming junctions from local exchange to TAX – 0.005<br>(d) Incoming or out going junctions between TAX's 0.005<br>(e) Switching network should be non-blocking or should have extremely low blocking probability. | <b>One quarter</b>     |

**b. QUALITY OF SERVICE PARAMETERS FOR CELLULAR MOBILE TELEPHONE SERVICE**

2.6. Quality of Service parameters in respect of which compliance reports are to be submitted to the Authority:

**Table 2.3: Cellular Mobile Telephone Service QoS Parameters for which report is given to the Authority**

| <b>Serial Number</b> | <b>Name of Parameter</b>   | <b>Benchmark</b>   | <b>Averaged over a period</b> |
|----------------------|--|--|-------------------------------|
| <b>A</b>             | <b>Network Service Quality Parameters:</b>                             |  |                               |
| (i)                  | Network Availability   |  |                               |
|                      | (a) BTSs Accumulated downtime (not available for service)              | $\leq 2\%$   | One Month                     |
|                      | (b) Worst affected BTSs due to downtime                                | $\leq 2\%$   | One Month                     |
| (ii)                 | Connection Establishment (Accessibility)                               |  |                               |
|                      | (a) Call Set-up Success Rate (within licensee's own network)           | $\geq 95\%$  | One Month                     |
|                      | (b) SDCCH/ Paging Channel Congestion                                   | $\leq 1\%$   | One Month                     |
|                      | (c) TCH Congestion   | $\leq 2\%$   | One Month                     |
| (iii)                | Connection Maintenance (Retainability)                                 |  |                               |
|                      | (a) Call Drop Rate   | $\leq 2\%$   | One Month                     |
|                      | (b) Worst affected cells having more than 3% TCH drop (call drop) rate | $\leq 5\%$ upto 31.03.2011<br>$\leq 3\%$ From 01.04.2011 | One Month                     |
|                      | (c) connections with good voice quality                                | $\geq 95\%$  | One Month                     |
| (iv)                 | Point of Interconnection (POI) Congestion ( on                         | $\leq 0.5\%$   | One Month                     |

|          |   |  |                   |
|----------|---|--|-------------------|
|          | individual POI)   |  |                   |
| <b>B</b> | <b>Customer Service Quality Parameters:</b>   |  |                   |
| (v)      | Metering and billing credibility – post paid  | Not more than 0.1% of bills issued should be disputed over a billing cycle                                     | One Billing Cycle |
| (vi)     | Metering and billing credibility – pre-paid   | Not more than 1 complaint per 1000 customers i.e. 0.1% complaints for metering, charging, credit, and validity | One Quarter       |
| (vii)    | (a) Resolution of billing/ charging complaints  | 100% within 4 weeks  | One Quarter       |
|          | (b) Period of applying credit/ waiver/ adjustment to customer's account from the date of resolution of complaints | within 1 week of resolution of complaint   | One Quarter       |
| (viii)   | Response Time to the customer for assistance  |  |                   |
|          | (a) Accessibility of call centre/ customer care   | ≥ 95%  | One Quarter       |
|          | (b) Percentage of calls answered by the operators (voice to voice) within 60 seconds                              | ≥ 90%  | One Quarter       |
| (ix)     | Termination/ closure of service   | ≤ 7 days   | One Quarter       |
| (x)      | Time taken for refund of deposits after closures  | 100% within 60 days  | One Quarter       |

2.7. Quality of Service parameters in respect of which compliance is to be monitored by service providers:

**Table 2.4: Cellular Mobile Telephone Service QoS Parameters for which compliance is to be monitored by service providers**

| <b>Serial Number</b> | <b>Name of Parameter</b> | <b>Benchmark</b> |
|----------------------|--------------------------|------------------|
|----------------------|--------------------------|------------------|

|   |                  |  |
|---|------------------|--|
| 1 | Service Coverage | For In-door coverage the signal strength at street level shall be $\geq -75$ dBm and In-vehicle shall be $\geq -85$ dBm. |
|---|------------------|--|

**c. QUALITY OF SERVICE PARAMETERS FOR BROADBAND**

2.8. The Quality of Service standards for Broadband Service was laid down by TRAI through the Quality of Service Standards for Broadband Service Regulations, 2006 dated 6<sup>th</sup> October, 2006. The Quality of Service parameters prescribed in these regulations are given in table 2.5.

**Table 2.5: QoS parameters for broadband services**

| <b>Sl</b> | <b>QoS Parameters</b>                        | <b>Benchmarks</b>  | <b>Averaged over a period of</b> |
|-----------|--|--|----------------------------------|
| <b>i</b>  | <b>Service Provisioning /Activation Time</b> | 100% cases in $\leq 15$ working days (subject to technical feasibility). In all cases where payment towards installation charge & security deposit is taken and the Broadband connection is not provided within 15 working days, a credit at the rate of Rs.10/ per day, subject to a maximum of installation charge or equivalent usage allowance shall be given to the customer, at the time of issue of first bill. |                                  |
| <b>ii</b> | <b>Fault Repair / Restoration Time</b>       | By next working day: $> 90\%$<br>and within 3 working days: $99\%$<br><br>Rebate:<br>(a) Faults Pending for $> 3$ working days and $< 7$ working days: rebate equivalent to 7 days of minimum monthly charge or equivalent usage allowance   | One month                        |

|            |  |   |           |
|------------|--|---|-----------|
|            |  | <p>(b) Faults Pending for &gt; 7 working days and &lt; 15 working days: rebate equivalent to 15 days of minimum monthly charge or equivalent usage allowance</p> <p>(c) Faults Pending for &gt; 15 working days: rebate equivalent to one month of minimum monthly charge or equivalent usage allowance</p> |           |
| <b>iii</b> | <p><b>Billing Performance</b></p> <ul style="list-style-type: none"> <li>• Billing complaints per 100 bills issued</li> <li>• %age of Billing Complaints resolved</li> <li>• Time taken for refund of deposits after closure:</li> </ul> | <p>&lt; 2%</p> <p>100% within 4 weeks</p> <p>100% within 60 days</p>  | One month |
| <b>iv</b>  | <b>Response time to the customer for assistance</b>  | <p>% age of calls answered by operator (Voice to Voice)</p> <p>Within 60 seconds &gt; 60%</p> <p>Within 90 seconds &gt; 80%</p>   | One month |
| <b>v</b>   | <p><b>Bandwidth Utilization/ Throughput:</b></p> <p><b>a) Bandwidth Utilization</b></p> <p><b>i) POP to ISP Gateway Node [Intra-network] Link(s)</b></p> <p><b>ii) ISP Gateway Node to IGSP / NIXI Node</b></p>                          | <p>&lt;80% link(s)/route bandwidth utilization during peak hours (TCBH). If on any link(s)/route bandwidth utilization exceeds 90%, then network is considered to have congestion. For this additional provisioning of</p>  | One month |

|             |  |   |             |
|-------------|--|---|-------------|
|             | <p><b>upstream Link(s) for International connectivity</b></p> <p><b>b) Broadband Connection Speed (download)</b></p>   | <p>Bandwidth on immediate basis, but not later than one month, is mandated.</p> <p>Subscribed Broadband Connection Speed to be met &gt;80% from ISP Node to User.</p> |             |
| <b>vi</b>   | <b>Service Availability / Uptime</b> (for all users)   | <p>&gt; 90% quarter ending June 2007;</p> <p>&gt; 98% with effect from quarter ending September 2007 and onwards</p>  | One Quarter |
| <b>vii</b>  | <b>Packet Loss</b> (for wired broadband access)  | <1%   | One month   |
| <b>viii</b> | <p><b>Network Latency</b> (for wired broadband access)</p> <ul style="list-style-type: none"> <li>• User reference point at POP / ISP Gateway Node to International Gateway (IGSP/NIXI)</li> <li>• User reference point at ISP Gateway Node to International nearest NAP port abroad (Terrestrial)</li> <li>• User reference point at ISP Gateway Node to International nearest NAP port abroad (Satellite)</li> </ul> | <p>&lt;120 msec</p> <p>&lt;350 msec</p> <p>&lt;800 msec</p>   | One month   |

2.9. The Quality of Service parameters contain several consumer centric parameters. In the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 the time limit for redressal of grievances by the Call Centre is governed by the time limit prescribed in the Regulation on Quality of Services of Basic and Cellular Mobile Telephone Services, 2005 and Quality of Service for Broadband Service Regulations, 2006. Since the Quality of Service Regulations 2005 for Basic and Cellular Mobile Telephone Services were repealed by the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 dated 20<sup>th</sup> March, 2009, there is a need to amend the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 to make it in line with these new Quality of Service standards. TRAI had undertaken limited consultation for amending the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 to make it in line with these new Quality of Service standards issued on 20<sup>th</sup> March, 2009. In the Open House Discussions held on 25<sup>th</sup> February, 2010 there were requests from consumer organisations to have a review of all consumer centric parameters contained in the Quality of Service Regulations, 2009. The Authority has considered these requests from consumer organisations and has accordingly decided to review the consumer centric parameters in the Quality of Service Regulations, 2009. These parameters and issues for consultation are briefly discussed in paras to follow.

**d. REVIEW OF QOS PARAMETERS**

**1. Parameters applicable only for Basic Telephone Service**

(a) Provision of a Telephone after registration of demand:

2.10. While prescribing this parameter the Authority felt that in this era of competition and churn of landline subscribers to mobile connections, it is in the interest of service providers offering wireline connections to provide new connections at the earliest and intervention of the Authority in regulating this parameter may not be required. Hence, the Authority had decided to remove this parameter from mandatory compliance. The service providers shall monitor this performance and provide information in this regard to consumers. The benchmark for monitoring purposes shall be “provisioning of telephone within 7 days (subject to technical feasibility)” from the date of registration for new telephone connection.

2.11. Issues for consultation paper:

- **What should be the benchmark for the parameter “Provision of a landline Telephone after registration of demand”?**
- **Do you agree that parameter “Provision of a landline Telephone after registration of demand” may be removed from the list of parameters requiring mandatory compliance to the Authority?**

(b) Fault Repair by next working day

2.12. This parameter signifies the time limit within which the fault is to be repaired. For computation of performance against this parameter, only those complaints, which have been registered till the close of the business hours of that day, will be taken into account. Complaints registered after the business hours will be taken as being registered in the next day business hours. Separate benchmarks have been prescribed for this parameter for urban areas and rural & hilly areas. In both the cases, by next working day  $\geq 90\%$  of the faults have to be repaired. Further, 100% of the faults have to be repaired within 3 days in urban areas and in rural and hilly areas 100% of the faults have to be



repaired within 5 days. In case of delayed rectification of fault, the customer is entitled for rent rebate.

2.13. The QoS regulations prescribe the following rebate for deficiency in QoS i.e if service is not available for a given period of time:

- Faults pending for >3 days and ≤7 days: Rent rebate for 7 days.
- Faults pending for >7 days and ≤15 days: Rent rebate for 15 days.
- Faults pending for >15 days: rent rebate for one month.

2.14. Subscribers are complaining that refunds are not given to them even if their telephone remains faulty beyond the prescribed limit by TRAI. Subscribers also allege closure of old fault dockets and issue of a fresh docket even before complaint is actually redressed. It is argued that such processes lead to denial of rent rebates to customers, which are otherwise due to customers. It is also alleged that service providers do not maintain effective process to give refund and such rebates are given only when pursued very vigorously.

2.15. While subscriber expects and deserves good QoS, abnormal circumstances of prolonged fault must compensate subscriber for non availability of service. Comments of the stakeholders are invited as to how such incidences can be effectively monitored and rebate to the concerned subscribers can be ensured.

2.16. Issues for consultation:

- **Do you suggest any changes to the benchmark for the above parameter for landline fault repair, including rent rebate for delay in rectification of fault? If so, please provide details.**

- **What framework do you suggest to ensure payment/adjustment of rebate for prolonged landline phone fault as per QoS regulations?**
- **How do you propose to ensure its effectiveness?**

(c) Shift of Telephone Connection

2.17. The significance of this parameter has reduced with time due to competition and availability of alternatives in the market. In the Quality of Service Regulations, 2009 this parameter has been removed from mandatory compliance and the performance against this parameter need not be reported to the Authority. However, service provider shall continue to monitor the performance against this parameter and maintain the records thereof. As per the benchmark, shifting of telephone connection should be completed within three days.

2.18. Issue for consultation:

- **Do you propose any changes to the existing provisions relating to shift of a landline telephone connection?**
- **Parameters applicable for both Basic Telephone Service and Cellular Mobile Telephone Service**

(a) Termination/ Closure of Service

2.19. Prior to notification of the Quality of Service Regulations, 2009 in March, 2009, the time limit and terms and conditions for termination of service was governed by Authority's direction on issue of Docket Number for customer complaints and termination of service dated 29<sup>th</sup> August, 2006. This direction provided for the following:

- Terminate the service (a) within twenty four hours of the receipt of a request for termination of service made in writing; (b) within three working days of the receipt of a request for termination of

service made through Fax or through e-mail ID registered with the service provider; and (c) within seven working days of the receipt of a request for termination of service made through Telephone call, SMS and e-mail.

- ii. The termination of service shall be subject to the return or recovery of the customer premises equipment, wherever applicable;
- iii. Stop charging the customer, the fixed monthly charges like rental beyond the above prescribed period of termination of service or from the date of last usage, whichever is later.
- iv. Raise the bill only after adjustment of security deposit in the event of a request for termination of service received from a customer.

2.20. The above provisions for termination of service were reviewed by the Authority while reviewing the Quality of Service Regulations in 2009. The modified provisions for termination of service are given below:

- i. The time period for closure shall not be more than 7 days, uniformly for all means of request. In all cases of request of closure/ termination, the request is to be complied with within 7 days of such request from the customer.
- ii. This period of 7 days would cover any effort to be made by the service provider for retention of the customer and for recovery of customer premises equipment (CPE), incase such CPE is the property of the service provider.
- iii. The service provider shall cease to charge rental or any other charges beyond the period of 7 days of request for closure made by the customer.
- iv. Bills shall be raised only after adjustment of the security deposit and the closure/ termination of service shall not be made conditional upon payment of dues/bills/settlement of dispute.

2.21. In spite of clear terms and conditions, customers have alleged delay in closure/ termination of service and consequent refund of deposits. Incidences have also come to the notice where service provider talk to customer and based on verbal communication, the disconnection is stopped/ deferred. In such cases, customers complaint about delay in disconnection. Service providers point out request (verbal) of the customers for deferment of disconnection. In the light of above, TRAI seeks inputs from stakeholders regarding measures required to be taken for addressing such complaints.

2.22. Issues for consultation:

- **Do you suggest any change in existing provisions to ensure timely termination of service/closure? If so, please provide details.**
- **Do you agree with the suggestions for seeking explicit consent of the customer, in writing or SMS or e-mail or FAX, to continue with the service, once a request has been made for termination of service?**

(b) Resolution of billing complaints/charging complaints

2.23. As per the Quality of Service Regulations, 2009 all billing/charging complaints have to be resolved within four weeks. The performance against this parameter is to be measured as per the formula:

%age of billing complaints (for post-paid customers)/ charging, credit & validity (for pre-paid customers) resolved within 4 weeks =

Number of billing complaints for post-paid customers/charging, credit/ validity complaints for pre-paid customers resolved within 4 weeks during the quarter X 100

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Number of billing/charging, credit / validity complaints received during the quarter

2.24. A consumer who has a billing/ charging complaint is very eager to have his complaint redressed at the earliest. For him a period of four weeks for resolution of the complaint may be too long a period. At the same time, the service provider requires time to peruse the records so as to resolve the complaint. Therefore, a period of four weeks has been provided in the Quality of Service Regulations, 2009 for resolution of billing / charging complaints.

2.25. **Do you agree with the time period of four weeks provided for resolution of billing/ charging complaints? If not, please suggest alternatives.**

(c) Period of applying credit/waiver/adjustment to customer's account from the date of resolution of complaints

2.26. As per the Quality of Service Regulations, 2009, credit/waiver/adjustment to customer's account has to be applied within one week from the date of resolution of complaints. Thus, a billing complaint has to be resolved within four weeks and credit, if any, has to be applied to customer's account within a week arising out of such resolution of billing complaint. Also the customer has to be intimated about such credit/ waiver/ adjustments. Further, in case of post paid customer, the same shall also be reflected in the next bill when issued.

2.27. It may be mentioned that applying credit/waiver/adjustment to customer's account upon resolution of billing complaint is either a part of the resolution process or a continuation of the resolution process. In the case of pre-paid customers they may require the credit/ waiver/

adjustment to their accounts immediately. Sometimes post-paid customers also require immediate credit/ waiver/ adjustment to their accounts, pending payment of any outstanding bill. The customers would welcome a shorter period and would not like to wait even for a week. At the same time it may have to be considered whether further shortening of time for giving credit is feasible for the service providers considering various process already in place.

**2.28. Do you agree with present provisions regarding period of one week for applying credit/waiver/adjustment to customer's account upon resolution of billing complaint?**

(d) Time taken for refund of deposits after closure

2.29. As per the Quality of Service Regulations, 2009, all cases of refund of deposits have to be made within sixty days after closure. Here the deposit includes security deposit and any other refundable deposit taken from the customer. The same benchmark shall also be followed for payment of any other dues payable to the customer at the time of closure/ termination of service. Any delay in refund of deposits beyond 60 days will attract interest @10% per annum, as per the existing instructions.

2.30. The period of 60 days for refund of security deposits has been prescribed to provide for service providers to take into account the roaming charges, the details of which they receive from the roaming partners later. Also where the billing cycle is on a bi-monthly basis sufficient time is needed for the service providers to settle the bills, after adjustment of the security deposit.

2.31. Non-closure of service and the consequent delay in refund of security deposit is a major concern of subscribers. Customers are not satisfied with the interest @10% for delayed payment of deposits does not seem to be effective for timely refund of deposits. Comments of the stakeholders are invited.

2.32. Issues for consultation:

- **What should be the time period and terms and conditions for refund of deposits after closure/termination of service?**
- **What steps do you suggest for timely refund of deposits after closure/ termination of service?**

## **2. Parameters applicable to broadband service providers**

(a) Service Provisioning/Activation Time

2.33. The Quality of Service of Broadband Service Regulations, 2006 provides that 100% cases of service provisioning should be done in =<15 working days (subject to technical feasibility). In all cases where payment towards installation charge & security deposit is taken and the Broadband connection is not provided within 15 working days, a credit at the rate of Rs.10/ per day, subject to a maximum of installation charge or equivalent usage allowance shall be given to the customer, at the time of issue of first bill. Instances have come to the notice where these provisions are bypassed attributing it to non-readiness of customer. Comments of the stakeholders are invited as to how such provisions can be effectively implemented.

**2.34. Issues for consultation:**

- **Do you suggest any changes to the present benchmark of 15 days for the parameter “Service provisioning/ Activation Time”?**
- **How the present provisions can be effectively implemented?**

(b) Fault Repair/Restoration Time:

2.35. The Quality of Service of Broadband Services Regulations provide that more than 90% cases of faults should be repaired by next working day and 99% cases of faults should be repaired within 3 working days. In order to provide relief to consumers in case of delayed rectification of fault, the regulation provides for the rebates:

- i. Faults Pending for > 3 working days and < 7 working days: Rebate equivalent to 7 days of minimum monthly charge or equivalent usage allowance.
- ii. Faults Pending for > 7 working days and < 15 working days: rebate equivalent to 15 days of minimum monthly charge or equivalent usage allowance.
- iii. Faults Pending for > 15 working days: rebate equivalent to one month of minimum monthly charge or equivalent usage allowance

**2.36. Do you suggest any changes to present benchmark for the parameter “Fault Repair/ Restoration Time” and provision for rebates?**

**B. METERING AND BILLING**

2.37. In order to protect the interest of consumers with regard to metering and billing accuracy, TRAI had notified the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation 2006 on 21<sup>st</sup> March, 2006. These regulations contain a Code of Practice for Metering and Billing Accuracy, which every Basic Service Provider and Cellular Mobile Service Provider has to comply with. These regulations also provides for TRAI to notify a panel of auditors to audit the Metering and Billing System of service providers to see that the service providers comply with the Code. The service providers have to appoint any one of the Auditor from the notified panel by TRAI and has to submit an audit report every year by 30<sup>th</sup> of June. The service providers shall take



corrective action on the inadequacies, if any, pointed out by the Agency in the Certificate and an Action Taken Report thereon shall be filed with TRAI not later than 30th September of every year. The charges for such auditing of the billing system shall be borne by the service providers.

- 2.38. A Illustrative Checklist for audit as per Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation, 2006 and Terms of Reference is provided to auditors for the audit work. As per the check list of audit, recently revised and drawn up in consultation with the auditors, tariff plans to be audited in each licensed service area cover plans having more than 10% of total subscribers in each licensed service area, subject to maximum of 10 service plans per licensed service area. In addition to the above, 3 prepaid tariff plans and two postpaid tariff plans launched during the year of audit that has the largest number of subscribers, shall also be covered in audit. The number of sample size to be checked in each plan should be such that a confidence level of 95% at a confidence interval of 3% is achieved.

**1. Issues relating to sampling of tariff plans for audit:**

- 2.39. The audit is done on a sample basis taking into account only plans having more than 10% subscribers and 3 prepaid and 2 postpaid tariff plans launched during the year. The plans launched in earlier years and having registered subscribers below 10% are out of the purview of annual audit. The audit of these plans, not covered in audit as per the existing provisions is necessary to ensure accurate metering & billing to protect the interest of customers. At the same time, increase in volume of audit will mean more expenditure by service providers. In order to make a balance, and make audit process more effective while maintaining almost same volume for the auditors work, provision can be made to select some plans, which are not otherwise covered for annual

audit as per present provisions, on random sample basis. Comments of the stakeholders are invited.

**2.40. Do you propose any change in the existing system of selection of tariff plans for the audit of metering and billing system of service providers to make whole exercise more effective?**

**2. Issues relating to premium rate services:**

2.41. It is observed from the metering and billing system audit of the service providers that the service providers are charging calls/SMS on some numbers such as railways at premium rates without informing the customers about such higher charges. In such situation, customer becomes aware of such premium rates charged only when he/she receives the bills or the details of the call cost is analyzed, in case of the prepaid consumers. TRAI in its direction dated 3<sup>rd</sup> May, 2005 had mandated the access service providers to publish in all communications/ advertisements relating to premium rate services, the pulse rate/ tariff for the service. There is a need to alert the subscriber before such premium calls are put through using some alert message or announcement through IVR. Subscriber should be informed about applicable tariff and call is processed further only after confirmation by the subscribers to pay for such premium calls. Such method has to be user friendly so that customers are not put to any inconvenience. Comments of stakeholders are invited.

**2.42. What method of alert do you prefer for premium service calls (Call rates higher than normal local call charges rates) before such calls are put through?**

**3. Issues relating to pre-paid customers:**

2.43. TRAI has been concern to ensure that prepaid customers get information on call charges, call duration and balance in their account at the end of each call so that they can satisfy themselves with money deducted from their accounts. It is observed that some of the service providers in some of the service areas are either not providing the information related to last call duration, call charge, validity period, account balance etc or are providing incomplete information. It is also observed that in some cases the service providers are giving only information about the balance amount in subscriber's account after each call and include advertisements of their special recharges/ packages. In some cases, it is also observed that the last call usage information is displayed after the call only for a very short duration and sometimes, it is very difficult for the consumer to read and understand the information within this short duration of display. At present about 95% of the consumers are in the pre-paid category. There is a need for providing complete information about the charges for each call, call duration, balance amount, etc. immediately after every call and such information should be displayed for sufficient time for the customer to read and understand the information. There should also be facility for obtaining this information by sending SMS on toll free numbers. The provision of such information could allay the apprehensions of consumers about wrong charging and would lead to better customer satisfaction. Views of stakeholders on above issue are solicited.

2.44. **What information in your view should be provided to prepaid subscribers immediately on completion of every call to facilitate him understand his usages and verify correctness of the deductions?**

#### **4. Information regarding recharging to Pre-paid subscribers**

2.45. As per 48th amendment to the Telecom Tariff Order dated 1<sup>st</sup> September,2008- “No fixed fee other than applicable taxes shall be levied on recharges exclusively meant for provision of talk time value irrespective of the type, tariff plan and irrespective of the nominal fee not exceeding Rs. 2 per top up towards administrative costs”. However, it is alleged that in some cases customers did not get complete details about the total amount taken, amount credited in the customer account, amount deducted for taxes and amount charged towards administrative costs. Provision of complete information to customers would make recharge system more transparent, leading to better customer satisfaction.

2.46. **What information do you feel is necessary after recharging a prepaid connection to ensure complete value for money immediately after recharging/top up?**

## **CHAPTER – III**

### **CONSUMERS PROTECTION AND REDRESSAL OF GRIEVANCES**

#### **A. STATUS OF IMPLEMENTATION OF THE REGULATIONS:**

- 3.1. As per 'The Telecom Consumers Protection and Redressal of Grievances Regulations, 2007, Telecom Service Providers who are providing Basic Telephone Service, Unified Access Services, Cellular Mobile Telephone Service and Broadband Service, including Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited, are mandated, from the date of commencement of the Regulations, to establish Call Centres, and appoint or designate Nodal Officers for each licensed service area within one month, so that they are easily accessible and available to consumers for redressal of the grievances. Regulations also mandate service providers to appoint one or more appellate authorities in each licensed service area within three months. Thus, the regulations envisage a three stage grievance redressal mechanism viz Call Centre, Nodal Officer and Appellate Authority, with time limit and procedures for redressal of grievances. Through these regulations, TRAI sought to establish a mechanism where the consumers can voice their grievances and get redressal in a structured and time bound manner.
- 3.2. The Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 have come into effect from 4<sup>th</sup> May, 2007 and is about three years in operation.
1. **Three Tier Mechanism:**
- 3.3. The regulations provide for a three tier redressal mechanism starting with Call Centre and providing for high level at Nodal Officer and

ultimately in the appellate authority. The salient features of the three-tier consumer grievance redressal system are given below:

(a) Call Centre

- 3.4. Consumers can contact the Call Centre of service provider on toll free number at the first instance for redressal of their grievances.
- 3.5. Complaints pertaining to fault repair, service disruption and disconnection of service have to be attended within a maximum period of 3 days.
- 3.6. Other complaints to be attended by the Call Centre within a maximum period of 7 days, subject to time limits laid down in regulations on quality of service.
- 3.7. The Call Centre to register each complaint by allotting a unique identification number to be called the docket number and communicate docket number to the consumer.
- 3.8. Intimate the action taken on the complaint within the time limit specified.
- 3.9. Intimate contact details of the Nodal Officer (including his name, telephone number and address) to customer in case the customer is not satisfied with the redressal of his grievance or when requested by him.

(a) Time Limit for request or redressal of complaint at call center

(i) Basic Telephone Service (wireline):

**Table 3.1: QoS Parameters for Basic Telephone Service (Wireline)**

| <b>Serial Number<br/>(1)</b> | <b>Service Parameter<br/>(2)</b> | <b>Time Limit for service request or redressal of complaint<br/>(3)</b> |
|------------------------------|----------------------------------|---|
| (i)                          | Provision of Telephone           | All cases within seven days (subject to technical feasibility)          |

| <b>Serial Number<br/>(1)</b> | <b>Service Parameter<br/>(2)</b>  | <b>Time Limit for service request or redressal of complaint<br/>(3)</b>     |
|------------------------------|---|---|
| (ii)                         | Fault Repair  | Within three days   |
| (iii)                        | Shift of Telephone Connection   | Within three days   |
| (iv)                         | Termination/ Closure of service   | Within seven days   |
| (v)                          | Resolution of billing/ charging complaints  | All billing complaints to be resolved within four weeks.                    |
| (vi)                         | Period of applying credit/waiver/adjustment to customer's account from the date of resolution of complaints | Within one week of resolution of complaint                                  |
| (vii)                        | Time taken for refund of deposits after closure   | All cases of refund of deposits to be made within sixty days after closure. |

(ii) Cellular Mobile Telephone Service:

**Table 3.2: QoS Parameters for Cellular Mobile Telephone Service**

| <b>Serial Number<br/>(1)</b> | <b>Service Parameter<br/>(2)</b>  | <b>Time Limit for service request or redressal of complaint<br/>(3)</b> |
|------------------------------|---|---|
| (i)                          | Resolution of billing/ charging complaints  | All billing complaints to be resolved within four weeks.                |
| (ii)                         | Period of applying credit/waiver/adjustment to customer's account from the date of resolution of complaints | Within one week of resolution of complaint                              |
| (iii)                        | Termination/ Closure of service   | Within seven days   |
| (iv)                         | Time taken for refund of  | All cases of refund of deposits   |

|  |                        |   |
|--|------------------------|---|
|  | deposits after closure | to be made within sixty days after closure. |
|--|------------------------|---|

(iii) *Broadband Service:*

**Table 3.3: QoS Parameters for Broadband Service**

| <b>Serial Number<br/>(1)</b> | <b>Service Parameter<br/>(2)</b>   | <b>Time Limit for service request or redressal of complaint<br/>(3)</b>   |
|------------------------------|--|---|
| (i)                          | Service Provisioning /Activation Time  | All cases within fifteen days (subject to technical feasibility).   |
| (ii)                         | Fault Repair / Restoration Time  | Within three days   |
| (iii)                        | Billing Performance<br>(a) Percentage of Billing Complaints resolved.<br><br>(b) Time taken for refund of deposits after closure | (a) All billing complaints to be resolved within four weeks.<br><br>(b) All cases of refund of deposits to be made within sixty days after closure. |

(b) Nodal Officer:-

3.10. In case the consumer is not satisfied with the redressal of his grievance at the Call Centre level or in case the Call Centre does not attend to the complaint within the above time limit, he can approach the Nodal Officer for redressal of his grievance.

3.11. All grievances received by the Nodal Officer with respect to fault repair, service disruption and disconnection of service to be got redressed within a maximum period of 3 days.

3.12. Other grievances to be redressed by the Nodal Officer within a maximum period of 10 days of the registration of the grievance.



- 3.13. Nodal officers to communicate within three days from date of the receipt of the complaint, the unique complaint number to the consumer.
- 3.14. Intimate the consumer about their resolution or decision thereon within the time limit specified.

(c) Appellate Authority:-

- 3.15. In case the consumer is still not satisfied with the redressal of his grievance by the Nodal Officer or in case his complaint is not redressed by the Nodal Officer within the time limit specified or no reply is received regarding resolution of the complaint from Nodal Officer, he can appeal to the Appellate Authority for redressal of his grievance.
- 3.16. The appeal has to be filed in duplicate and in the prescribed format.
- 3.17. The secretariat of the appellate authority has to send an acknowledgement to the appellant within three days.
- 3.18. Appellate Authority to decide every appeal within 3 months.

(i) *Present Status:*

- 3.19. In pursuance of regulations 3, 6 and 10 of Telecom Consumers Protection and Redressal of Grievances Regulations, 2007, the access service providers and Broadband service providers have set up Call Centres, appointed Nodal Officers and appellate authorities in the various service areas. The details of Call Centres, Nodal Officers and appellate authorities are published in the website of the service providers, communicated through the bills issued to consumers and published at least once in 12 months in newspapers. The TRAI website also provides details of call centre, Nodal Officer, and Appellate authority for all service providers.

**2. Regulation 17 and 18 of Telecom Consumers Protection and Redressal of Grievances Regulations, 2007**

3.20. As per Regulation 17 and 18 of Telecom Consumers Protection and Redressal of Grievances Regulations, 2007, every appellate authority shall submit to TRAI, by the 15th October and the 15th April of every financial year or at such shorter intervals, as the Authority may specify from time to time, a report mentioning therein :

- the number of appeals received;
- number of appeals pending;
- number of appeals disposed of ; and

The service provider shall ensure that every appellate authority exhibits at its website, if any, the status and details of appeals pending within the time limit, if any.

3.21. In addition to above TRAI had prescribed a reporting format vide letter no. 303-2/2008-QoS dated 10-April-2008 to the access service providers to quarterly file the status of complaints booked and resolved at Call centre, Nodal Officer and Appellate Authority Level.

(a) Present Status:

3.22. In pursuance of regulations 17, 18 of Telecom Consumers Protection and Redressal of Grievances Regulations, 2007, the most of the access service providers and Broadband service providers are filing reports to TRAI and also exhibiting the status/details of appeals, pending with appellate authority at their website. Most of the Access Service Providers are also submitting quarterly reports indicating number of complaints booked and resolved at Call centre, Nodal Officer and Appellate Authority Level.

**3. Regulation 19 of Telecom Consumers Protection and Redressal of Grievances Regulations, 2007**

3.23. As per provisions of Regulations 19, the Authority can refer the complaints received by TRAI for redressal and detailed examination in case of following types of complaints:

- Being the complaints alleging violation of the Act or regulations made there under or directions issued or orders made by it under the Act.
- Being the complaints of the consumers which are generic in nature;
- Being the complaints alleging that the practices adopted by the service providers are adversely affecting the interest of the consumers.

3.24. The service provider shall investigate and find out root cause of all such complaints referred by the Authority and resolve or redress such complaints within one month from the date of referring of the complaints by the Authority.

3.25. The service provider shall inform the concerned consumers and the Authority regarding resolution or redressal of the complaint within one month from the date of referring of the complaints.

3.26. In case the investigation and root cause analysis of the complaints findings reveal general deficiency or systemic inadequacy in the practice and procedure or operation adopted by, or, on the part of, the service provider, the service provider shall take remedial measure in respect of all such similarly placed consumers and intimate to the TRAI along with the information required, within two months of referring such complaint, such general deficiency or systemic inadequacy revealed and remedial measures taken by such service provider.

(a) Present Status:

3.27. TRAI is receiving complaints from individuals and Consumer Advocacy Groups (CAG). All complaints received in TRAI are analysed. Complaints falling under category of regulations 19 are forwarded to service providers for redressal and detailed examinations. Generally, access service providers are complying with the regulation 19 of Telecom Consumers Protection and Redressal of Grievances Regulations, 2007.

4. **Regulation 20 of Telecom Consumers Protection and Redressal of Grievances Regulations, 2007**

3.28. As per Regulation 20 of Telecom Consumers Protection and Redressal of Grievances Regulations 2007 every Service provider shall publish a “Manual of Practice for handling consumer complaints” containing following information relating to Basic Telephone Service, Cellular Mobile Telephone Service and Broadband Service, namely: -

- name and address of the service provider;
- terms and conditions of service offered by the service provider;
- Call Centre or helpline Number or customer care number or toll free number and name, designation, of the Nodal Officer and e-mail, contact telephone number, facsimile number and address of the Nodal Officer and the appellate authority;
- procedure for shifting and transfer of telephone, provision of accessories and customer premises equipment;
- information about service availability and coverage for cellular mobile telephone service;
- complaint redressal mechanism (including complaint redressal procedure and the time limits for the redressal of grievances by the Call Centre, Nodal Officer and filing and disposal of an appeal by the appellate authority);

- an Annexure [ relating to Basic (Wireline), Basic (Wireless) and Cellular Mobile Telephone Service and Broadband Service ] to the Manual containing text of the Quality of Service Benchmarks
  - right of consumer for termination or disconnection of the service;
  - the amount to be deducted, whether as an administrative expenses or otherwise, from the total pre-paid value of service ;
  - provisions of these regulations, in particular relating to the rights of the consumers;
  - the duties and obligations of the service provider under these regulations;
  - Any other information which may be adversely affecting the consumers.
- 3.29. The Manual shall be prepared in English language and Hindi language and language of the State in which, Basic Telephone Service, Cellular Mobile Telephone Service and Broadband Service, is provided to the consumer.
- 3.30. The Manual shall be available for reference at every office of the service provider Call Centre, customer care centre, help desk, the Nodal Officer, the appellate authority, at the sales outlets and at the website of the service provider and also by any other means which the service provider may consider appropriate.
- 3.31. A copy of the Manual or its abridged version (containing salient features such as terms and conditions of service, contact details of Call Centre, the Nodal Officer and the appellate authority, procedure and time limit for redressal of grievances and time limit specified in the Schedule) shall be provided by the service provider or his agent to each consumer at the time of his subscription for service.
- 3.32. A copy of the Manual certified by the service provider as “true copy” thereof shall be filed with the Authority within three months from the date of commencement of these regulations.

(a) Present Status:

3.33. A copy of Manual of Practice certified by the service provider “as true copy” has been filed by all access service providers with TRAI and same has been posted by the service providers on their website. The survey conducted by TRAI through third party agencies indicates that “Manual of Practice” is being provided to subscribers obtaining new connection. However, as per the third party survey conducted by TRAI, the percentage of subscribers getting Manual of Practice in Punjab service area is as low as 16.4% (refer table 3.4).

**Table 3.4: Data Regarding Provision of Manual of Practice to new customers while taking connection**

| Bharti | Vodafone | BSNL  | Rel Comm | Tata  | Spice | HFCL  |
|--------|----------|-------|----------|-------|-------|-------|
| 16.4%  | 50.5%    | 20.0% | 39.8%    | 71.6% | 70.9% | 45.5% |

\*the data relates to service area Punjab for year 2009.

## **5. Regulation 21 of Telecom Consumers Protection and Redressal of Grievances Regulations, 2007**

3.34. As per Regulation 21 of Telecom Consumers Protection and Redressal of Grievances Regulations 2007 every service provider shall, on request from any consumer, who has been provided pre-paid mobile connection, supply such consumer, at a reasonable cost, the information relating to the itemized usage charges showing actual service usage details in terms of all call data records including value added services, premium rate services and roaming charges, and their monetary value.

3.35. Every service provider shall provide the information for any period falling in preceding six months immediately preceding the month in which the request has been made by the consumer.

3.36. For this purpose, the “reasonable cost” means the cost or price not exceeding rupees fifty, or the cost or price payable by the post paid

consumers of the same service provider for obtaining the information , or cost or price payable in accordance with the terms and conditions of licence of such service provider, whichever is lowest.

(a) Present Status:

3.37. Generally, access service providers are complying with the regulation 21 of Telecom Consumers Protection and Redressal of Grievances Regulations, 2007. During recent survey conducted by TRAI through third party, it has come to notice that in some cases the detailed bills have not been provided. The relevant findings in respect of Punjab service area is given in table 3.5:

**Table 3.5: Survey finding for itemized usage charges**

| S.N | Sub Parameter   | Bharti | Vodafone | BSNL  | Rel Comm | Tata  | Spice | HFCL  |
|-----|---|--------|----------|-------|----------|-------|-------|-------|
| 1   | For pre-paid customers awareness about item-wise usage charge details on request                        | 41.1%  | 23.2%    | 20.2% | 25.8%    | 17.6% | 9.1%  | 30.3% |
| 2   | If aware (for pre-paid customers) ever denied of item wise usage charge details for pre paid connection | 31.3%  | 18.3%    | 30.4% | 31.2%    | 26.3% | 51.0% | 31.1% |

\*the data relates to service area Punjab for year 2009.

3.38. An addition to the provisions of TCPRG, TRAI has conduct survey of QoS for different service providers. The survey can broadly be divided in two parts:

- Assessment of customer perception of survey.
- Assessment of effectiveness of implementation of telecom consumer protection and redressal grievance regulations 2007.

These surveys are being conducted periodically. Finding of these surveys are published on TRAI website as well as through printed media.

## **B. ISSUES IMPACTING EFFECTIVE IMPLEMENTATION OF TELECOM CONSUMERS PROTECTION AND REDRESSAL OF GRIEVANCES REGULATION, 2007**

3.39. Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 (TCPRG Regulations) came into effect from 4<sup>th</sup> May 2007. It provided a framework for redressal of consumer grievances. Consumers are still raising following issues:

- Accessibility of Call center/ Nodal Officer /Appellate Authority.
- Lack of training/ empowerment of the call centre executives at service providers' call centres.
- Lack of feedback on customer complaint even in cases where complaint redressal has not been done in defined time frame.
- Lack of feedback from nodal officer and Appellate Authority either on receipt or on disposal of complaints.
- Lack of awareness about the grievance redressal mechanism.

3.40. TRAI had issued a Pre-consultation paper on 11<sup>th</sup> May, 2010 inviting the views of stakeholders to identify important issues and concerns. Responses have been received from stakeholders. The various issues and concerns identified and the proposals for addressing these issues are discussed in paras to follow.

### **1. Grievance redressal at call centres**

(a) Awareness of call centres

3.41. The awareness about the call centre vary from service area to service area and from service provider to service provider. In some cases the awareness is as low as 31%. Since the call centre is the first level of complaint redressal, awareness about the call centre number is important and urgent steps are required to be taken to create such awareness.



- 3.42. TRAI has mandated the service provider through the TCPRG regulations to publish the call centre details through a public notice published in Hindi/ English language and in an Indian language in circulation in the service area at least once in 12 months and also through telephone bills issued to consumers.
- 3.43. Recently the Cellular Mobile Service Providers and their associations has mooted a proposal to introduce a uniform number for call centres across the service providers. They have proposed to introduce “198” as the common number for the call centre for mobile customers. Many service providers have implemented 198 as call centre number for complaints booking. This will be very handy as Mobile number portability is under active consideration of the government for implementation.
- 3.44. The findings of the independent survey on effectiveness in implementation of the TCPRG Regulations, indicates that generally customers are aware of the redressal mechanism at Call Centre (Refer Table 3.6).

**Table-3.6 Awareness of customers about Call Centre**

|            | CHN        | Delhi        | KTK        | TN         | GUJ            | HR             | RJ             | PUN           | MP         | AS         | NE         | OR         |
|------------|------------|--------------|------------|------------|----------------|----------------|----------------|---------------|------------|------------|------------|------------|
| Cellular   | 49-<br>65% | 79-<br>91%   | 57-<br>59% | 41-<br>85% | 88.4-<br>97.6% | 86.5-<br>97.6% | 95.8-<br>97.5% | 92.5-<br>98%  | 85-<br>95% | 53-<br>79% | 55-<br>79% | 77-<br>86% |
| Basic      | 61-<br>64% | 77-<br>87.7% | 56-<br>82% | 44-<br>61% | 62.1-<br>93.7% | 87.5-<br>98.3% | 95.5-<br>99.8% | 66.8-<br>100% | 86-<br>95% | 74%<br>    | 60%<br>    | 54%<br>    |
| Broad-band | 36-<br>80% | 74.3-<br>91% | 62-<br>88% | 74-<br>85% | 83.3-<br>98.1% | 90.7-<br>92.9% | 86-<br>95%     | 92.8-<br>99%  | 82-<br>93% | 56-<br>66% | 31-<br>64% | 73-<br>79% |

- 3.45. While call centre awareness in telecom service areas like Punjab and Rajasthan is high, the awareness about call centres is low in places like Chennai, Tamilnadu, Assam etc. Alternate methods like using regular SMS to convey the call centre numbers to consumers or Over the Air transfer facility to record call centre number in the existing subscribers’ SIM can be handy. Comments of the stakeholders are also invited to

suggest how awareness of the call centre can be increased in telecom users.

**3.46. In your opinion, what should be done to increase the awareness about the call centre?**

(b) Accessibility of call centers

3.47. TRAI has prescribed the QoS parameters to ensure that call centers can be easily accessed by the subscribers. The performance of the Call Centre is assessed through two Quality of Service parameters:

- Response Time to the customer for assistance: Accessibility of call centre/ customer care (Benchmark is  $\geq 95\%$ ). This means that minimum 95% calls to be connected successfully and not more than 5% calls shall encounter congestion or busy signal or no reply or any other failure.
- Percentage of calls answered by the operators (voice to voice) within 60 seconds (Benchmark  $\geq 90\%$ ). This means not more than 10% calls shall encounter busy signal or no reply or any other failure in getting connected to operator. The time for connecting to the operator shall be calculated from the time the customer has keyed the relevant number in the IVR option menu, if provided, for speaking to the customer care executive/operator.

3.48. TRAI also undertakes audit and assessment of Quality of Service and survey on customer perception of service and effectiveness in implementation of the Telecom Consumers Protections and Redressal of Grievances Regulations, 2007 through independent agencies. During the half year ended 31st December, 2009, TRAI had undertaken audit and assessment of Quality of Service and Survey in 12 telecom service areas viz Delhi, Haryana, Rajasthan, Punjab, Gujarat, Madhya Pradesh, Chennai, Tamilnadu, Karnataka, Orissa, Assam and North East.

- 3.49. As per the report of the independent agencies, the accessibility of Call Centre/ customer care for cellular mobile telephone service is by and large achieved. Only 3 Cellular Mobile Service Providers (CMSPs) in two service areas each and one service provider in three service areas did not meet the benchmark. The worst performance indicates 58.06% accessibility of Call Centre of one service provider in a service area. The parameter, percentage of calls answered by operators (voice to voice) within 60 seconds, is not met by many cellular mobile operators in quite a few telecom service areas.
- 3.50. Another issue relating to accessibility of customer care agent/ executive is the problem in navigating to reach to the option for “talking to a customer care agent/ executive” using IVR menu. As per the Explanatory Memorandum to the Standards of Quality of Service of Basic Telephone Service and Cellular Mobile Telephone Service Regulations, 2009, the menu for speaking to the customer care executive/operator shall be given preference in the menu options and this menu shall not be below the first sub-menu at the third layer, the first layer being the choice of language and the second layer the service menu. However, in many of the networks it is difficult to locate the menu for talking to a customer care agent/ executive.
- 3.51. The accessibility of call centres at present is mainly from the telephone of the same service providers. Some of the service providers also have call centre numbers accessible from other networks but awareness of such numbers is low. This is required mainly when there is disruption of service or when subscriber loses the telephone and has to request to block the SIM from further misuse. Implementation of this facility by all service providers could be of great help to consumers in lodging their grievances at the time of disruption of service. Some service providers have this facility but on chargeable basis. While access to call centre to book complaints as per the provisions have to be free of the charge, but some argue that since this is an additional arrangement to facilitate

booking of complaints in especial circumstances, hence it should be charged. One can also argue that since the main issue is grievance redressal, hence such calls should be made toll free across all networks.

3.52. The Authority solicits the views of stakeholders. about suggestions for improving accessibility of call centre agent/executive, including the location of the menu for talking to a customer care agent/ executive, provisions for alternative number accessible for other networks and the charging of such calls from other networks etc.

3.53. Issues for consultation:

- **How can we enhance accessibility of call centres for booking the complaints?**
- **What are your suggestions about the location of the menu option for talking to a customer care agent/executive in the Interactive Voice Response (IVR) system of the Call Centre/ customer care number, for facilitating easy access to the call centre agent/executive? Should it be the first sub-menu at the third layer, the first layer being the choice of language and the second layer being service menu?**
- **Should TRAI mandate all service providers to provide complaint booking number accessible from other telecom networks also for complaint booking in case of service disruption? Should such call centre numbers also be toll free?**

(c) Issue of docket numbers for complaint booking

3.54. The TCPRG Regulations provide for registration of the complaint by the Call Centre, immediately on receipt of the complaint, by allotting a unique identification number to be called the docket number. The docket number/unique complaint number/serial number of appeal is essential for future reference. In many cases it is seen that this number

is lengthy and sometimes difficult for the customer to either remember or note down while booking the complaint. The chances of mistake while noting down this complaint number cannot be ruled out. Hence, it may be desirable to prescribe a framework in which complaint number is given to customer automatically through SMS on consumers mobile number.

3.55. Different service providers are using different docket number formats. Suggestions are invited for streamlining the format of the docket number given by various service providers, so that a look at the docket number can indicate the service provider, service area, type of service, and date of complaint booking etc. Comments of the stake holders are required in the matter.

3.56. **Issues for consultation:**

- **Do you agree that docket numbers should also be sent to subscribers' through SMS who is booking complaint?**
- **Will sending of docket number of complaints to subscribers through SMS help them to pursue their complaints and increase effectiveness of consumer grievance redressal system?**
- **Do you feel that unique format for docket numbers across the service providers will increase monitoring and speedy redressal of subscriber complaints?**

(d) Feedback on consumer complaint redressal

3.57. The feedback on redressal of consumer complaint is important to ensure that subscriber complaint has actually been addressed to his satisfaction. Subscribers have alleged that their docket numbers have been closed even when their complaints have not been addressed.

- 3.58. The TCPRG Regulations mandate that the Call Centre should inform the customer, within the time limit specified for redressal of grievances, about the action taken on the complaint.
- 3.59. TRAI had engaged independent agencies to assess the effectiveness in implementation of the Telecom Consumers Protection and Redressal of Grievances Regulations through surveys. It is seen from the response of the customers who were surveyed by these agencies that in most of the cases where the customer had made any complaint to the call centre, the service providers had informed the customer about the action taken on their complaint. However, in some of the service areas the provision of feedback on action taken on the complaint is poor. The responses of customers is given in Table 3.7:

**Table-3.7: Information regarding action taken on complaint (in percentage)**

|            | CHN   | Delhi   | KTK   | TN     | GUJ       | HR        | RJ        | PUN     | MP    | AS    | NE    | OR    |
|------------|-------|---------|-------|--------|-----------|-----------|-----------|---------|-------|-------|-------|-------|
| Cellular   | 47-71 | 57-71.3 | 71-88 | 75-100 | 77.2-90.1 | 41.6-76.5 | 25.2-40.3 | 23.6-41 | 29-70 | 55-86 | 73-84 | 76-92 |
| Basic      | 55-74 | 56.9-84 | 93-97 | 78-95  | 75.3-95.7 | 70.1-92.5 | 5.2-40.8  | 92-100  | 37-69 | 68    | 81    | 82    |
| Broad-band | 76-93 | 65.2-91 | 63-98 | 93-98  | 55.6-97.5 | 70.5-76.2 | 52.3-98.1 | 82.6-94 | 37-68 | 57-66 | 63-69 | 61-71 |

- 3.60. Subscribers feel that they must be contacted/ informed before closing of their complaints. One of the methods may be to inform the subscribers about status of the complaint through SMS before closing such complaints. Views of the stake holders are invited.
- 3.61. **Do you agree that customers need to be informed about the status of redressal of their complaints before closure of the docket? If so, will it be desirable to inform the subscriber about status of the complaints through SMS before closure of the docket number?**

(e) Effectiveness of grievance redressal

3.62. The survey reports on customer perception on effectiveness in implementation of the Telecom Consumers Protections and Redressal of Grievances Regulations, 2007 (TCPRG Regulations) reflect unsatisfactory level of customer perception about the grievance redressal by the service providers. Most of the cellular mobile telephone service providers in Metro and Category-A service areas are not meeting the prescribed benchmark of  $\geq 90\%$  for the parameter on customer perception on help services including customer grievance redressal. In Category-B service areas, most of the service providers are meeting the benchmark for this parameter, except in Madhya Pradesh,. In Category-C service areas, all service providers, except one, are not meeting the benchmark. Similar trend is observed in the case of basic telephone service and Broadband Services also.

3.63. During the survey the responses of those customers who had made any billing complaint to the call centre within four weeks of lodging complaint was captured. The details are given in table 3.8:

**Table-3.8: Resolution of billing complaints within four weeks of lodging the complaints (in percentage)**

|            | CHN   | Delhi         | KTK       | TN        | GUJ           | HR            | RJ          | PUN           | MP         | AS        | NE        | OR        |
|------------|-------|---------------|-----------|-----------|---------------|---------------|-------------|---------------|------------|-----------|-----------|-----------|
| Cellular   | 20-51 | 13.2-<br>60.9 | 49-<br>74 | 11-<br>52 | 64.3-<br>90.8 | 9.7-<br>44.4  | 5-52.6      | 7.9-<br>77.3  | 41-<br>100 | 29-<br>67 | 54-<br>82 | 3-7       |
| Basic      | 16-46 | 63.6-<br>80.5 | 52-<br>62 | 13-<br>33 | 26.6-<br>83.6 | 52.9-<br>86.3 | 14-51       | 87-<br>99.5   | 46-<br>76  | 52        | 70        | 26        |
| Broad-band | 3-63  | 49.9-<br>59.8 | 14-<br>80 | 11-<br>62 | 77.4-<br>99.2 | 29.6-<br>31.1 | 56.6-<br>87 | 59.7-<br>90.4 | 24-<br>50  | 33-<br>44 | 0-58      | 20-<br>30 |

3.64. The survey also captured the data relating to satisfaction with the resolution of their complaint by the call centre from those consumers who had made a complaint to the call centre. The responses of consumers show that barring a few service areas, generally customers

are not satisfied with the resolution of their complaints. The details are given below refer table 3.9):

**Table-3.9: Satisfaction with the resolution of complaint by the Call Centre (in percentage)**

|            | CHN   | Delhi     | KTK   | TN     | GUJ       | HR        | RJ        | PUN       | MP    | AS    | NE    | OR    |
|------------|-------|-----------|-------|--------|-----------|-----------|-----------|-----------|-------|-------|-------|-------|
| Cellular   | 59-83 | 70.5-82   | 79-89 | 72-93  | 78.5-92   | 78.1-91.3 | 69-91     | 13.1-42.4 | 60-85 | 76-90 | 66-80 | 67-90 |
| Basic      | 56-74 | 57.5-75.2 | 81-86 | 72-100 | 84.9-99.2 | 53.4-66.8 | 46.9-92.1 | 98.1-100  | 37-69 | 66    | 79    | 80    |
| Broad-band | 53-81 | 71.7-90.6 | 61-94 | 38-85  | 70.8-95.9 | 57.8-61.6 | 71.2-90.8 | 95-100    | 78-91 | 69-85 | 75-92 | 72-73 |

3.65. TRAI takes a quarterly report from the service providers regarding number of the complaints booked at the call centre, number of complaints redressed, and percentage of the complaints redressed by call centre. Many of the service providers indicate very high percentage of redressal of the complaints at call centre level; still quite a few grievances are lodged with Nodal officers. This clearly indicates that there is a need to clearly define the parameters to calculate effective redressal of consumer complaints at call centre level. Comments of the stakeholders in the matter are solicited.

**3.66. What parameters should be considered to determine the effectiveness of complaint redressal at call centre level? How could effectiveness of complaint redressal at call centre level be measured?**

(f) Time taken for grievance redressal for various grievances

3.67. Time to address the complaint made by the subscriber is important. Many a time in absence of well defined escalation mechanism, the subscriber keeps on making complaints at different levels which only



increases the unproductive burden on service providers. Sometimes back the Committee on Subordinate Legislations had sent a questionnaire on the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 (3 of 2007) dated the 4<sup>th</sup> May, 2007. In one of the questionnaire they had sought TRAI's comments on the feasibility of informing the customer, at the time of registration of the complaint by the Call Centre itself, about the time limit within which his complaint would be redressed. In this regard, the Committee was informed that "the Authority has noted the suggestion of the Hon'ble Committee and would consider this issue while reviewing the regulations and consultations with the industry may be required to examine the feasibility of implementing the above suggestions". In the context of this review exercise, this issue requires deliberation so as to honour the commitments given to the Hon'ble Committee.

- 3.68. The time limit for redressal of grievances of telecom consumers by the call centre prescribed in the TCPRG regulations is mostly based on the time limit for various parameters prescribed in the Quality of Service Regulations and it varies from parameter to parameter. All service complaints have to be addressed within 3 days time while all billing complaints have to be addressed within 4 weeks time. The customer is very eager to have his grievance redressed by the service provider at the earliest. Any delay in the resolution of the complaint and intimation thereof to the customer could lead to the customer escalating the complaint to other levels. Intimation of the time frame for redressal of the complaint at the time of lodging the complaint could address this issue to a great extent. The Authority would like to have the views of the stakeholders on this proposal.

3.69. **In your views, will it be feasible to indicate tentative time frame for redressal of consumer grievance? Will it increase subscriber satisfaction level?**

(g) Root cause Analysis of complaints booked at Call centre

3.70. The faults booked at call centre are the mirror of network performance and processes in place. In-depth analysis of the faults booked can lead to their root cause and help in effective redressal of subscribers grievances as well as reduction in fault incidences.

3.71. TRAI is receiving quarterly information from all service providers regarding number of the complaints booked at their call centre service area wise. Complaint incidences are high in some cases. A snapshot of complaints for AP and Delhi service area for different operators is given below (Refer Table 3.10):

**Table 3.10: Complaints per hundred customers per month  
(Cellular Mobile Telephone Service)**

| <b>Customer Grievance Redressal Report for the Quarter ending March, 2010</b> |  |
|---|--|
| Name of the service Area  | Complaints per hundred customers per month |
| 1   | 2  |
| <b>Andhra Pradesh</b>   |  |
| Service Provider-1  | 0.29                                       |
| Service Provider-2  | 16.20                                      |
| Service Provider-3  | 0.30                                       |
| Service Provider-4  | 0.04                                       |
| Service Provider-5  | 7.66                                       |
| Service Provider-6  | 0.51                                       |
| <b>Delhi</b>  |  |
| Service Provider-1  | 24.30                                      |
| Service Provider-2  | 0.60                                       |
| Service Provider-3  | 0.71                                       |
| Service Provider-4  | 11.39                                      |
| Service Provider-5  | 1.47                                       |
| Service Provider-6  | 0.1  |

3.72. The in-depth analysis indicates close relationship of the fault incidences with level of satisfaction of the subscribers projected during the survey by third party. While fault detail analysis deserves to be the prime concern of service providers, the data for the past three quarters does not reflect significant improvement and subscriber satisfaction level projected during the survey is decreasing in some of the circles as shown in table 3.11:

**Table 3.11: Satisfaction level of subscribers for various parameters of Wireless service**

| Parameter based Performance  | Benchmark | Year | Bharti Airtel | BSNL | Rel Comm | TATA | Rel Tel | Idea | Vodafone |
|--|-----------|------|---------------|------|----------|------|---------|------|----------|
| Customers satisfied with provisioning of service                           | ≥90%      | 2009 | 96%           | 99%  | 96%      | 92%  | 99%     | 95%  | 99%      |
|  |           | 2008 | 98%           | 78%  | 96%      | 96%  | 94%     | 95%  | ---      |
| Customers satisfied with billing performance - Postpaid                    | ≥95%      | 2009 | 87%           | 96%  | 87%      | 91%  | 90%     | 96%  | 99%      |
|  |           | 2008 | 96            | 93   | 93       | 92   | 88      | 91   | ----     |
| Customers satisfied with billing performance - Prepaid                     | ≥95%      | 2009 | 80%           | 84%  | 73%      | 92%  | 76%     | 84%  | 95%      |
|  |           | 2008 | 96            | 97   | 93       | 93   | 94      | 92   | ----     |
| Customers satisfied with help services including grievance redressal       | ≥90%      | 2009 | 72%           | 63%  | 69%      | 80%  | 77%     | 78%  | 85%      |
|  |           | 2008 | 88            | 85   | 79       | 85   | 81      | 77   | -----    |
| Customers satisfied with network performance, reliability and availability | ≥95%      | 2009 | 96%           | 73%  | 86%      | 92%  | 89%     | 96%  | 93%      |
|  |           | 2008 | 90            | 83   | 87       | 93   | 82      | 86   | --       |
| Customers satisfied with maintainability                                   | ≥95%      | 2009 | 95%           | 77%  | 91%      | 94%  | 88%     | 96%  | 95%      |
|  |           | 2008 | 94            | 89   | 92       | 95   | 92      | 91   | ---      |
| Customers satisfied with supplementary and value added services            | ≥90%      | 2009 | 86%           | 90%  | 80%      | 92%  | 84%     | 95%  | 93%      |
|  |           | 2008 | 95            | 96   | 92       | 97   | 95      | 89   | ---      |
| Customers satisfied with   | ≥90%      | 2009 | 98%           | 90%  | 99%      | 99%  | 98%     | 99%  | 97%      |

|                         |  |      |    |    |    |    |    |    |     |
|-------------------------|--|------|----|----|----|----|----|----|-----|
| overall service quality |  | 2008 | 82 | 73 | 78 | 86 | 76 | 85 | --- |
|-------------------------|--|------|----|----|----|----|----|----|-----|

3.73. Suggestions of the stakeholders are invited to ensure effective analysis of call centre complaints for improvement in service quality and processes.

3.74. **What are your suggestions for using complaints received at call centre for improvement in QoS and processes adopted by a service provider? Do you perceive any need for TRAI to oversee such analysis and monitor corrective actions?**

**2. Grievance Redressal at Nodal Officer:**

(a) Awareness about Nodal officer

3.75. The various studies and surveys undertaken by TRAI show that the awareness about Nodal Officer is low. The details of the findings of the survey undertaken by TRAI through independent agencies is given in table 3.12:

**Table-3.12: Range of customer responses regarding awareness about contact details of Nodal Officer (in percentage)**

|            | CHN   | Delhi    | KTK   | TN   | HR      | RJ      | PUN      | MP    | AS   | NE  | OR  |
|------------|-------|----------|-------|------|---------|---------|----------|-------|------|-----|-----|
| Cellular   | 15-25 | 9.2-18.7 | 3-8   | 4-21 | 1.6-3.5 | 1-4.3   | 2-5.7    | 1-6   | 1-11 | 1-5 | 2-5 |
| Basic      | 15-23 | 1.5-6.4  | 9-40  | 2-6  | 1-4.8   | 0.2-5.1 | 0.3-1.5  | 79-90 | 10   | 8   | 3   |
| Broad-band | 6-21  | 3-10.9   | 13-43 | 4-59 | 2-6     | 1.8-6.7 | 0.3-10.4 | 10-22 | 2-9  | 0-6 | 12  |

3.76. TCPRG regulations 2007 already mandates the service provider to publish the details of Nodal Officer through a public notice in Hindi/English language and in an Indian language in circulation in the service

area at least once in 12 months and also through telephone bills issued to the consumers. For creating further awareness about the Nodal Officer, it is being argued that service providers may be mandated to send contact details of nodal officer through SMS or the same can be saved in the SIM card of existing users using Over the Air transfer facility. SIM can also be pre-configured giving the details of call centre, Nodal Officer and Appellate Authority. Another way of creating awareness about the Nodal Officer is by way of introducing a uniform number across all service providers, separately for basic telephone service, cellular mobile telephone service and Broadband service. Common number can either be identified by the industry or can be allocated by DoT.

**3.77. In your opinion, what should be done to create awareness about the Nodal Officer?**

(b) Receipt of grievance and expected time of redressal:

3.78. The TCPRG Regulations provide for registration of the complaint by the Nodal Officer and communication of the unique complaint number to the customer within three days of the receipt of grievance. After taking the remedial measure for redressal of the grievance or decision thereon, the customer should also be informed, within the specified time limit, about the remedial measure or decision on the grievance.

3.79. The subscribers' general view is that time of three days to acknowledge the receipt of grievance is too long especially keeping in view that grievances having disruption of services have to be addressed within three days time as per present regulations. Customer also expect tentative timeframe for redressal of the grievances whenever such grievances are registered with nodal officers as they have already spent

the prescribed time at call centre without satisfactory redressal. Comments of the stakeholders are sought in the matter.

**3.80. Issues for consultation:**

- **What should be the maximum permissible time in which nodal officer must acknowledge the receipt of the grievance and indicate a unique number for future reference?**
- **Do you suggest that the nodal officer give an indicative time for redressal of grievance while communicating receipt of grievance? Will it boost the confidence of the subscriber?**
- **Will it be feasible to communicate the tentative time for redressal of the grievances and ensure redressal within prescribed timeframe?**

(c) Feedback on consumer grievance redressal

3.81. TCPRG mandates feedback to subscribers as discussed in chapter one, still violation to such provisions has been alleged by consumers. Feedback on consumer grievance redressal is an important activity which boosts subscribers' confidence and ensures better satisfaction. Feedback on consumer grievance redressal could also help the service provider in identifying the weaknesses in the system of grievance redressal by the Nodal Officer and in taking remedial measures for further strengthening the system.

**3.82. What framework do you propose for timely disposal of consumer grievances and feedback on status of grievance redressal before disposal?**

(d) Accessibility of Nodal Officer and Effectiveness of grievance redressal

- 3.83. One of the major problems impacting effectiveness of the Nodal Officer is the accessibility of Nodal Officer. Generally, the mode of contacting the Nodal Officer is through telephone and limited Nodal Officers are available in a service area. With the exponential increase in the number of subscribers, even if a small percentage of consumers approach the Nodal Officer the numbers would be very large and the customers experience considerable difficulty in contacting the Nodal Officer.
- 3.84. In the TCPRG Regulations it is provided that the Nodal Officer can be approached through a letter in writing or telephone or web-based online system or SMS or other electronic means. The regulations do not specifically provide for direct contact with the Nodal Officer through personal visits (leaving emergent situation). Also, in the TCPRG Regulations the Authority had refrained from specifying any geographical coverage for Nodal Officer and it was left to the service providers to appoint as many Nodal Officers as per their requirements subject to a minimum of one nodal officer per service area.
- 3.85. Customers are finding it very difficult to connect to the Nodal Officer even now when there is little awareness about Nodal Officer. The fast growth and higher penetration of telecom services in semi-urban and rural areas may require allocation of nodal officers in better reach of subscribers.
- 3.86. Effectiveness of redressal of grievances at nodal officer level is equally important. As of now, there is no well defined framework to classify effectiveness of the redressal of customer grievances at nodal officer level. There is a need to identify different parameters and framework to determine the effectiveness of the nodal officer. Comments of the stakeholders are invited in this regard.
- 3.87. **Issues for consultation:**
- **In your opinion, what should be done to improve the accessibility of nodal officers?**

- **How would effectiveness of Nodal Officer be monitored?**
- **What should be the parameters and framework to judge the effectiveness of the nodal officers?**

(e) Time taken for redressal of various grievances at Nodal Officer:

3.88. The TCPRG regulations provide timeframe for redressal of grievances relating to disruption of service within three days and other cases within ten days by the Nodal Officer. It is argued that stipulated time is quite high and delay in redressal of grievances enhances subscriber dissatisfaction. The important issue for consideration is to ensure redressal of grievances within the prescribed time frame and how the average time taken for redressal of grievances can be further reduced. Comments of the stakeholders are invited.

3.89. **Issues for consultation:**

- **In your opinion, what should be the time frame for redressal of grievances by the Nodal Officer?**
- **What should be done to ensure redressal of consumer grievances within prescribed timeframe?**

(f) Analysis of grievances and corrective action to improve effectiveness of Nodal Officer:

3.90. In the present regulations, there is no provision for analysis of the various grievances under different categories received by the Nodal Officer and initiation of corrective action to address deficiencies in the system of grievance redressal at different levels. Analysis of grievances from systemic point of view and corrective action thereon could help the service provider in improving the effectiveness of grievance redressal leading to increased customer satisfaction.

3.91. **What framework do you perceive for regular analysis of consumer grievances at Nodal officer level to identify systemic failures and to**



**initiate necessary actions? Do you perceive the need to mandate such provisions?**

(g) Charging of Nodal Officer Number:

3.92. The TCPRG regulations do not mandate provision of toll free facility for approaching the Nodal Officer through telephone. It has come to the notice of the Authority that at times telephone calls to Nodal Officer are kept on hold either for connecting to Nodal Officer or his representative and the customers have to pay for this call holding time. The normal call holding time ranges from 10 seconds to 50 seconds.

3.93. Consumers argue that nodal officer is accessed for redressal of the grievance which could not be solved at the call centre level due to inadequacy in the system of service providers. Hence calls to nodal officers must also be toll free as it is being accessed for redressal of grievances of existing subscribers. The counter arguments would be that if nodal officers telephone will also be toll free, there will be a tendency to directly reach to nodal officer rather than approaching to the call centre. In that case, the Nodal officer may become an alternative Call Centre and this may defeat the very purpose of having a higher level for grievance redressal at Nodal Officer level. Considering the concerns of subscribers regarding charging for call holding time in connecting to the Nodal Officer and problems likely to be faced by service providers in making the Nodal Officer number toll free. Comments of stakeholders are invited.

3.94. **What are your views regarding charging of nodal officer Number especially in view of the fact that nodal officer is part of consumer grievance redressal mechanism? Elaborate your response.**

**3. Grievance Redressal at Appellate Authority:**

(a) Awareness about Appellate Authority:

3.95. Awareness of Appellate Authority is very low in spite of lapse of about three years. TRAI has already mandated service providers to publish every year the contact details of the Appellate Authority through newspaper and through the bills issued to customers and display the same in every sales office. The details of consumer awareness as per the survey undertaken by TRAI through independent agencies is given in table 3.13:

**Table-3.13: awareness of Appellate Authority (in percentage)**

|                | CHN             | Delhi       | KTK            | TN             | GUJ          | HR          | RJ          | PUN         | MP           | AS             | NE            | OR            |
|----------------|-----------------|-------------|----------------|----------------|--------------|-------------|-------------|-------------|--------------|----------------|---------------|---------------|
| Cellular       | 16.11-<br>26.35 | 0.1-<br>1.2 | 4.14-<br>7.13  | 5.48-<br>22.4  | 2.1-<br>10.4 | 0.2-<br>0.4 | 0.5-<br>1.0 | 0.5-<br>0.8 | 0.7-<br>6.4  | 2.78-<br>11.03 | 1.53-<br>6.70 | 0.26-<br>2.11 |
| Basic          | 16.95-<br>23.80 | 0.2-<br>1.7 | 5.21-<br>44.59 | 3.53-<br>9.7   | 0.7-<br>13.4 | 0.3-<br>1.0 | 0-<br>5.1   | 0           | 0.4-<br>1.9  | 11.26          | 7.14          | 1.29          |
| Broad-<br>band | 1.72-<br>23.02  | 0.2-<br>1.3 | 5.98-<br>37.27 | 6.18-<br>57.14 | 0.5-<br>22.9 | 1.2-<br>1.8 | 0.2-<br>1.2 | 0-<br>5.2   | 3.0-<br>17.0 | 2.39-<br>12.28 | 1.82-<br>6.28 | 3.13-<br>4.45 |

3.96. The survey indicates only limited awareness about Appellate Authority among consumers and that there is scope for further improvement.

3.97. **What should be done to enhance awareness about Appellate Authority to ensure effective redressal of consumer grievances?**

(b) Procedure to file an appeal:

3.98. The Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 envisage that the appeal to the appellate authority has to be filed in writing in the prescribed format, which every service provider is to make available to the consumers at every office and sales outlets of the service providers and also at their website to facilitate download by the consumers. However, as revealed by the study undertaken by TRAI, most of the customers are not filing the appeal in writing in the prescribed format. The effectiveness of the existing framework, therefore, needs to be relooked. As many subscribers are

not familiar with the existing framework, which provides for filing of appeal in writing in the prescribed form. A simple and user friendly framework will be desirable. Views of the stakeholders are invited at this stage.

**3.99. What framework to you suggest for filing of the appeal to Appellate Authority for redressal of consumer grievances by subscribers? How can it be made easy and user friendly?**

(c) Acknowledgement of receipt of an appeal and likely time frame for disposal

3.100. The TCPRG Regulations provide for acknowledgement of appeal within three days of receipt of the appeal. Three days for acknowledging the receipt of the appeal may be high. Subscriber reaches the Appellate Authority after exhausting all other means provided through call centre and nodal officer. Hence, he expects much quicker and speedy action on his grievance.

3.101. TCPRG regulations have prescribed unique Appeal number while acknowledging the receipt. A unique appeal number is useful to work as reference and to trace the status of the appeal as per the provisions of the existing regulations.

3.102. While acknowledging the appeal, communication of the likely time frame for deciding the appeal could help in improving customer satisfaction and could also obviate the possibilities of customers approaching various other authorities/ agencies such as DoT, TRAI etc. for redressal of his grievance on the premise that the appellate authority had not taken any decision on the appeal. Comments of the stakeholders are required

**3.103. Issues for consultation:**

- **In your view, what should be the time frame for acknowledgement of the appeal by Appellate Authority?**

- **Would it be feasible and desirable to convey the tentative time for disposal of the appeal by Appellate Authority to improve subscriber confidence?**

(d) Feedback on disposal of appeal:

3.104. Feedback on disposal of appeal is necessary to gauge the effectiveness of disposal of the appeals by the Appellate Authority. Generally customers complain that disposal of Appeal does not indicate the reason to turn down the request and the decision looks arbitrary. The TCPRG Regulations do not provide for institutionalizing a system of feedback on disposal of appeal to service providers to improve the effectiveness of the process. Comments of the stakeholders are required.

3.105. **How feedback at the time of disposal of appeal can be made more transparent, self speaking and impartial? Is there a need to institutionalise feedback mechanism at appellate authority level of service provider to improve effectiveness of the processes?**

(e) Effectiveness of redressal of grievances by Appellate Authority:

3.106. The framework for the Appellate Authority envisaged in the TCPRG regulations is an independent authority with a Secretariat who could consider the appeals filed by customers independently and impartially. Customers allege that many a times Appellate Authority works as extended arm of service providers and does not function as independent Appellate Authority. There is a need to look into the framework to gain confidence of consumers in the system. Comments of the stakeholders are invited.

3.107. **What should be the framework to improve the effectiveness and acceptability of the Appellate authority as an independent and impartial body? Provide details of the proposed framework.**

(f) Time taken for redressal of grievances at Appellate Authority:

3.108. The TCPRG Regulations provide that every appeal should be decided by the Appellate Authority within three months. It is generally observed that the customer does not exhibit enough patience to wait for 3 months for decision on their appeal. The available data indicates that the appellate authority generally decide the appeal in much shorter time to retain customers in intense competitive scenario. Hence, it is felt that three months time presently prescribed is high and can be reviewed. Comments of the stakeholders are invited.

3.109. **In your opinion, what should be the maximum time period for deciding an appeal by the Appellate Authority?**

**4. Analysis of appeals lodged with Appellate Authority and corrective action at Nodal Officer and Call Centre:**

3.110. Regular analysis of appeals lodged with the Appellate Authority and corrective action wherever required could help the service provider in identifying and plugging the deficiencies in the system of grievance redressal. Such analysis could help in reducing the number of grievances filed with the Nodal Officer and Appellate Authority.

(a) Providing usage details in respect to Pre-paid mobile connections:

3.111. The prepaid customers are not being issued bills relating to their usage. Sometimes the pre-paid users require detailed bill showing itemized usage charges to correlate their usage with the charges

deducted from their account. TRAI had been receiving representations from consumers requesting for itemized bills. In order to protect the interest of pre-paid consumers, the Authority through regulation 21 of the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 has mandated the service providers that on request from any pre-paid mobile consumer for any period falling in the preceding six months, the service provider shall supply such a consumer, at a reasonable cost, not exceeding Rs.50/-, the information relating to the itemized usage charges showing actual service usage details in terms of all call data records including value added services, premium rate services and roaming charges, and their monetary value. No time frame for providing such information has been mandated. Consumers allege delay in provision of such information. Delayed provision of information is not in the interest of consumers and sometimes information may lose its value. The Authority invites suggestions from stakeholders about the time period for provision of itemized usage charges.

- 3.112. **What should be the time limit within which the information about itemized usage charges should be provided on request from a pre-paid customer?**

## **CHAPTER -IV** **OTHER ISSUES**

### **A. PROVISION OF VALUE ADDED SERVICE WITHOUT EXPLICIT CONSENT**

4.1. TRAI had received complaints from consumers relates to provision of value added services without the explicit consent of the consumers. Based on consumer complaints, TRAI had taken several measures, from time to time, to address the problem of provision of value added service without explicit consent. These measures are outlined below:

- Direction dated 3<sup>rd</sup> May, 2005 which provides that no chargeable value added service shall be provided to a customer without his explicit consent. Any value added service, which was earlier being provided free of charge, shall not be made chargeable without the explicit consent of the customer.
- Direction dated 29<sup>th</sup> August, 2006 on issue of Docket Number for customer complaints and termination of service, which mandates access service providers to acknowledge through SMS followed by entry in the next bill the requests made through Telephone call, FAX, SMS, e-mail etc for value added services, the charges for which are of a recurring nature.

4.2. The Authority also issued a Direction on 30<sup>th</sup> October, 2007, which mandates the access service providers to:

- provide, within one month from the date of issue of this Direction, the facility to all their customers for registering their requests for unsubscribing of any value added service by such customers ---

- (i) through e-mail or FAX or any other means (other than telephone calls and SMS);
  - (ii) through telephone calls and SMS made to the customer care/helpline/toll-free number (other than e-mail or FAX) without incurring of any cost for such telephone calls and SMS made by their customers;
- continue to extend the facility referred to in the preceding subparagraph to their customers;
  - give adequate publicity to the facility, as referred to in above subparagraphs by publishing complete information about such facility on their websites and by communicating the same through SMS and other means to the customers;
  - ensure that
    - (i) in case of any offer for any value added service, made in writing or through SMS or FAX or e-mail (other than tele-calling) to the customer, such offer shall contain all relevant details of the value added service offered to the customer including the charges for such value added service and seek and obtain the explicit consent of the customer, through telephone or SMS or FAX or e-mail or by other electronic means, for availing of such value added service, before activation of such value added service; and
    - (ii) in case of any offer for any value added service, made through tele-calling or by any other means [except means referred to in item (i) above] to the customer, such offer shall be subsequently made in



writing or through SMS or FAX or e-mail, containing all relevant details of the value added service offered to the customer including the charges for such value added service and seek and obtain the explicit consent of the customer, through telephone or SMS or FAX or e-mail or by other electronic means for availing such value added service before activation of such value added service;

(iii) the consent referred to in item (i) or item (ii), as the case may be, shall be acknowledged through SMS before activation of such value added service, or immediately after such activation, and also reflect the same in the next bill, if issued to the customer, giving relevant details of the said explicit consent;

- keep complete records of such explicit consent obtained from the customer for subscription to the chargeable value added services and the records of the acknowledgements of such explicit consent by the service provider, for verification, for a period of one year from the date of such explicit consent.

4.3. In order to avoid accidental and unintentional activation of value added services, without the explicit consent of the consumers “Press Star to Copy Hello Tunes” and Out Bound Dialer (OBD). The Authority issued another direction on 27<sup>th</sup> April, 2009.

4.4. The process was further simplified through Direction dated 4<sup>th</sup> September, 2009 by introducing double confirmation procedure to be followed for obtaining the explicit consent of the consumer.

4.5. At the initiative of TRAI a common short code 1552-23 was allotted by DOT as VAS helpline for registering subscribers' request for unsubscribing value added services.

4.6. TRAI had conducted surveys through independent agencies to assess customer perception of service, effectiveness in implementation of the Telecom Consumers Protection and other consumer issues such as provision of value added service without explicit consent. The survey reports reveal provision of value added service without explicit consent, especially in Delhi, Madhya Pradesh and Karnataka service areas (refer table 4.1).

**Table 4.1: Survey indicating subscriber perception for provision of value added service**

| Service Area   | Explicit consent before providing chargeable VAS | Service Provider-1 | Service Provider-2 | Service Provider-3 | Service Provider-4 | Service Provider-5 | Service Provider-6 | Service Provider-7 | Service Provider-8 | Service Provider-9 | Service Provider-10 |
|----------------|--|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|
| KARNATAKA      | Yes  | 70.00%             | 55.96%             | 65.86%             | 66.90%             | 54.36%             | 65.81%             | 51.52%             | 46.80%             | 58.30%             | -                   |
|                | No   | 28.48%             | 39.74%             | 31.03%             | 31.71%             | 44.25%             | 32.05%             | 47.47%             | 52.53%             | 38.87%             | -                   |
| DELHI          | Yes  | 82.80%             | 78.10%             | 73.00%             | -                  | 78.40%             | 86.10%             | 79.30%             | -                  | -                  | 83.20%              |
|                | No   | 17.20%             | 21.90%             | 27.00%             | -                  | 21.60%             | 13.90%             | 20.70%             | -                  | -                  | 16.80%              |
| MADHYA PRADESH | Yes  | 63.20%             | 66.70%             | 68.70%             | 47.00%             | 61.30%             | -                  | 76.70%             | 74.20%             | -                  | -                   |
|                | No   | 36.80%             | 33.30%             | 31.30%             | 53.00%             | 38.70%             | -                  | 23.30%             | 25.80%             | -                  | -                   |

4.7. **Can you suggest further measures to effectively control provision of value added services without explicit consent of the subscriber? Kindly provide details of proposed framework.**

**B. CONSUMER AWARENESS BY SERVICE PROVIDERS**

4.8. The increasing penetration of telecom services in rural and remote areas, launch of innovative services, and migration from voice to data services lay enhanced need for consumer education. TRAI had provided in the TCPRG Regulations, publication of a “Manual of Practice for

handing consumer complaints” by the service providers. The manual should contain information about the contact details of the Call Centre, Nodal Officer, Appellate Authority, complaint redressal mechanism, procedure for shift/ transfer of telephone, service availability and coverage for cellular mobile service, benchmark for the various consumer centric parameters in the Quality of Service Regulations etc. These regulations also provide for provision of an abridged version of the Manual to all new customers at the time of joining the service. The consumer awareness about various issues including contact details of nodal officers and appellate Authority is low. The matter was discussed with all telecom service providers in meeting dated 12<sup>th</sup> may 2010 to focus attention on consumer education. One of the suggestions was to encourage service providers to conduct Consumer education workshops in their service areas. As per the information available with TRAI, Service providers are working to arrange consumer education workshops in their service areas in coordination with registered CAGs with TRAI.

**4.9. In your opinion, what more should be done to increase effectiveness of consumer education?**

**C. WEB BASED TELECOM CONSUMER GRIEVANCE MONITORING SYSTEM (TCGMS)**

4.10. TRAI is in the process of implementing a web-based online Grievance Monitoring System, which could be interfaced with service providers grievance redressal network. This would enable the customers who are not satisfied with the redressal of their grievances by the service providers’ grievance redressal mechanism to lodge their grievances with the online system. The customers have to log their complaints with service providers call centre. If the consumer complaint is not redresses and become grievance, then consumer can use this web based system.

This system will enable consumers to lodge grievances with the Nodal Officer and Appellate Authority of the service provider and to track its resolution. TRAI online system will also facilitate review of grievance handling system and monitor the status of the grievance redressal at different levels. This will be an alternate system and will not replace the existing grievance redressal mechanism of service providers.

- 4.11. The important concern is to ensure effectiveness of web based consumer grievance redressal system and make suitable provisions so that feedback of the status of the consumer grievance is made available to the customer. While service providers give high priority for redressal of consumer grievances, how web based telecom consumer grievance monitoring system can be made effective? Comments of the stakeholders are invited.

**4.12. Issues for consultation:**

- **How effectiveness of web based Consumer grievance redressal mechanism can be increased?**

**D. Number of Billing Plans and transparency in tariff**

- 4.13. Stakeholders have raised the issue of transparency in tariff and large number of tariff plan during pre-consultation process. TRAI is examining various issues and separate consultation process is under contemplation covering issues related with transparency in tariff plans and tariff related issues.

**CHAPTER – V**  
**SUMMARY OF ISSUES FOR CONSULTATION**

- 5.1. What should be the benchmark for the parameter “Provision of a landline Telephone after registration of demand”? (Reference Para 2.11)**
- 5.2. Do you agree that parameter “Provision of a landline Telephone after registration of demand” may be removed from the list of parameters requiring mandatory compliance to the Authority? (Reference Para 2.11)**
- 5.3. Do you suggest any changes to the benchmark for the parameter for landline fault repair, including rent rebate for delay in rectification of fault? If so, please provide details. (Reference Para 2.16)**
- 5.4. What framework do you suggest to ensure payment/adjustment of rebate for prolonged landline phone fault as per QoS regulations? (Reference Para 2.16)**
- 5.5. How do you propose to ensure its effectiveness? (Reference Para 2.16)**
- 5.6. Do you propose any changes to the existing provisions relating to shift of a landline telephone connection? (Reference Para 2.18)**
- 5.7. Do you suggest any change in existing provisions to ensure timely termination of service/closure? If so, please provide details. (Reference Para 2.22)**
- 5.8. Do you agree with the suggestions for seeking explicit consent of the customer, in writing or SMS or e-mail or FAX, to continue with the service, once a request has been made for termination of service? (Reference Para 2.22)**

- 5.9. Do you agree with the time period of four weeks provided for resolution of billing/ charging complaints? If not, please suggest alternatives. (Reference Para 2.25)**
- 5.10. Do you agree with present provisions regarding period of one week for applying credit/waiver/adjustment to customer's account upon resolution of billing complaint?(Reference Para 2.28)**
- 5.11. What should be the time period and terms and conditions for refund of deposits after closure/termination of service? (Reference Para 2.32)**
- 5.12. What steps do you suggest for timely refund of deposits after closure/ termination of service? (Reference Para 2.32)**
- 5.13. Do you suggest any changes to the present benchmark of 15 days for the parameter "Service provisioning/ Activation Time"? (Reference Para 2.34)**
- 5.14. How the present provisions can be effectively implemented? (Reference Para 2.34)**
- 5.15. Do you suggest any changes to present benchmark for the parameter "Fault Repair/ Restoration Time" and provision for rebates? (Reference Para 2.36)**
- 5.16. Do you propose any change in the existing system of selection of tariff plans for the audit of metering and billing system of service providers to make whole exercise more effective? (Reference Para 2.40)**
- 5.17. What method of alert do you prefer for premium service calls (Call rates higher than normal local call charges rates) before such calls are put through? (Reference Para 2.42)**
- 5.18. What information in your view should be provided to prepaid subscribers immediately on completion of every call to facilitate**

- him understand his usages and verify correctness of the deductions? (Reference Para 2.44)
- 5.19. What information do you feel is necessary after recharging a prepaid connection to ensure complete value for money immediately after recharging/top up? (Reference Para 2.46)
- 5.20. In your opinion, what should be done to increase the awareness about the call centre? (Reference Para 3.46)
- 5.21. How can we enhance accessibility of call centres for booking the complaints? (Reference Para 3.53)
- 5.22. What are your suggestions about the location of the menu option for talking to a customer care agent/executive in the Interactive Voice Response (IVR) system of the Call Centre/ customer care number, for facilitating easy access to the call centre agent/executive? Should it be the first sub-menu at the third layer, the first layer being the choice of language and the second layer being service menu? (Reference Para 3.53)
- 5.23. Should TRAI mandate all service providers to provide complaint booking number accessible from other telecom networks also for complaint booking in case of service disruption? Should such call centre numbers also be toll free? (Reference Para 3.53)
- 5.24. Do you agree that docket numbers should also be sent to subscribers' through SMS who is booking complaint? (Reference Para 3.56)
- 5.25. Will sending of docket number of complaints to subscribers through SMS help them to pursue their complaints and increase effectiveness of consumer grievance redressal system? (Reference Para 3.56)

- 5.26. Do you feel that unique format for docket numbers across the service providers will increase monitoring and speedy redressal of subscriber complaints? (Reference Para 3.56)**
- 5.27. Do you agree that customers need to be informed about redressal of their complaints before closure of the docket? If so, will it be desirable to inform the subscriber about status of the complaints through SMS before closure of the docket number? (Reference Para 3.61)**
- 5.28. What parameters should be considered to determine the effectiveness of complaint redressal at call centre level? How could effectiveness of complaint redressal at call centre level be measured? (Reference Para 3.66)**
- 5.29. In your views, will it be feasible to indicate tentative time frame for redressal of consumer grievance? Will it increase subscriber satisfaction level? (Reference Para 3.69)**
- 5.30. What are your suggestions for using complaints received at call centre for improvement in QoS and processes adopted by a service provider? Do you perceive any need for TRAI to oversee such analysis and monitor corrective actions? (Reference Para 3.74)**
- 5.31. In your opinion, what should be done to create awareness about the Nodal Officer? (Reference Para 3.77)**
- 5.32. What should be the maximum permissible time in which nodal officer must acknowledge the receipt of the grievance and indicate a unique number for future reference? (Reference Para 3.80)**
- 5.33. Do you suggest that the nodal officer give an indicative time for redressal of grievance while communicating receipt of grievance? Will it boost the confidence of the subscriber? (Reference Para 3.80)**



- 5.34. Will it be feasible to communicate the tentative time for redressal of the grievances and ensure redressal within prescribed timeframe? (Reference Para 3.80)**
- 5.35. What framework do you propose for timely disposal of consumer grievances and feedback on status of grievance redressal before disposal? (Reference Para 3.82)**
- 5.36. In your opinion, what should be done to improve the accessibility of nodal officers? (Reference Para 3.87)**
- 5.37. How would effectiveness of Nodal Officer be monitored? (Reference Para 3.87)**
- 5.38. What should be the parameters and framework to judge the effectiveness of the nodal officers? (Reference Para 3.87)**
- 5.39. In your opinion, what should be the time frame for redressal of grievances by the Nodal Officer? (Reference Para 3.89)**
- 5.40. What should be done to ensure redressal of consumer grievances within prescribed timeframe?(Reference Para 3.89)**
- 5.41. What framework do you perceive for regular analysis of consumer grievances at Nodal officer level to identify systemic failures and to initiate necessary actions? Do you perceive the need to mandate such provisions?(Reference Para 3.91)**
- 5.42. What are your views regarding charging of nodal officer Number especially in view of the fact that nodal officer is part of consumer grievance redressal mechanism? Elaborate your response. (Reference Para 3.94)**
- 5.43. What should be done to enhance awareness about Appellate Authority to ensure effective redressal of consumer grievances? (Reference Para 3.97)**

- 5.44. What framework to you suggest for filing of the appeal to Appellate Authority for redressal of consumer grievances by subscribers? How can it be made easy and user friendly? (Reference Para 3.99)**
- 5.45. In your view, what should be the time frame for acknowledgement of the appeal by Appellate Authority? (Reference Para 3.103)**
- 5.46. Would it be feasible and desirable to convey the tentative time for disposal of the appeal by Appellate Authority to improve subscriber confidence? (Reference Para 3.103)**
- 5.47. How feedback at the time of disposal of appeal can be made more transparent, self speaking and impartial? Is there a need to institutionalise feedback mechanism at appellate authority level of service provider to improve effectiveness of the processes? (Reference Para 3.105)**
- 5.48. What should be the framework to improve the effectiveness and acceptability of the Appellate authority as an independent and impartial body? Provide details of the proposed framework. (Reference Para 3.107)**
- 5.49. In your opinion, what should be the maximum time period for deciding an appeal by the Appellate Authority? (Reference Para 3.109)**
- 5.50. What should be the time limit within which the information about itemized usage charges should be provided on request from a pre-paid customer? (Reference Para 3.112)**
- 5.51. Can you suggest further measures to effectively control provision of value added services without explicit consent of the subscriber? Kindly provide details of proposed framework. (Reference Para 4.7)**
- 5.52. In your opinion, what more should be done to increase effectiveness of consumer education? (Reference Para 4.9)**

**5.53. How effectiveness of web based Consumer grievance redressal mechanism can be increased? (Reference Para 4.12)**

**Annexure - 1**

TO BE PUBLISHED IN THE GAZETTE OF INDIA,  
EXTRAORDINARY, PART III, SECTION 4

**TELECOM REGULATORY AUTHORITY OF INDIA**

**NOTIFICATION**

NEW DELHI, THE 4<sup>th</sup> MAY, 2007

**TELECOM CONSUMERS PROTECTION AND REDRESSAL OF  
GRIEVANCES REGULATIONS, 2007 (3 OF 2007)**

**F. No. 303-10/2006-QoS** ----- In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations, namely: -

| <b>CHAPTER I<br/>PRELIMINARY</b>  |
|---|
| <b>1. Short title, commencement and application.--</b> (1) These regulations may be called the <b>Telecom Consumers Protection and Redressal of Grievances Regulations, 2007</b> .  |
| (2) They shall come into force on their publication in the Official Gazette.  |
| (3) These regulations shall apply to-- ----   |
| (a) all service providers [including Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited, being the companies registered under the Companies Act, 1956 (1 of 1956)] providing,--   |
| (i) Basic Telephone Service;  |
| (ii) Unified Access Services;   |
| (iii) Cellular Mobile Telephone Service;  |
| (b) all service providers (including the Bharat Sanchar Nigam Limited and the Mahanagar Telephone Nigam Limited) providing Broadband Service:   |
| Provided that nothing contained in these regulations shall apply to an Internet Service Provider whose turnover in any preceding financial year does not exceed rupees five crores or whose total number of Broadband subscribers in any preceding financial year does not exceed ten thousand numbers, as the case may be. |
| <b>2. Definitions.—</b> In these regulations, unless the context otherwise requires,-   |

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| (a) "Act" means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);   |
| (b) "appellate authority" means one or more persons appointed as appellate authority under regulation 10, by a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1;   |
| (c) "Authority" means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Act;  |
| (d) "Basic Telephone Service" covers collection, carriage, transmission and delivery of voice or non-voice messages over licensee's Public Switched Telephone Network in licensed service area and includes provision of all types of services except those requiring a separate licence;   |
| (e) "Broadband" or "Broadband Service" means a data connection,----   |
| (i) which is always on and is able to support interactive services including Internet access;   |
| (ii) which has the capability of the minimum download speed of two hundred fifty six kilo bits per second or such minimum download speed, as may be specified by the licensor, from time to time, to an individual subscriber from the point of presence of the service provider intending to provide Broadband service where a multiple of such individual Broadband connections are aggregated and the subscriber is able to access these interactive services including the Internet through the said point of presence; |
| (iii) in which the interactive services shall exclude any services for which a separate licence is specifically required (such as real-time voice transmission) except to the extent permitted, or, as may be permitted, under Internet service provider's licence with internet telephony,   |
| and which shall include such services or download speed or features, as may be specified from time to time, by the licensor;  |
| (f) "Call Centre" means a department or a section or a facility established under regulation 3 by the service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1 for redressal of grievances of its consumers by telephone or electronic means or by any other means;  |
| (g) "Cellular Mobile Telephone Service" -   |
| (i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wireless telegraphy where every message that is conveyed thereby has been, or is to be, conveyed by means of a telecommunication system which is designed or adapted to be capable of being used while in motion;  |
| (ii) refers to transmission of voice or non-voice messages over Licensee's Network in real time only but service does not cover broadcasting of any messages, voice or non-voice, however, Cell Broadcast is permitted only to the subscribers of the service,  |
| (iii) in respect of which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;  |
| (h) "consumer" means a consumer of a service provider falling in clause (a) or  |

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| clause (b) of sub-regulation (3) of regulation 1 and includes its customer and subscriber ;  |
| (i) “Indian language” means a language specified in the Eighth Schedule to the Constitution;   |
| (j) “Internet Service” means all types of Internet access or Internet content services as provided in the licence;   |
| (k) “Licence” means a licence granted or having effect as if granted under section 4 of the Indian Telegraph Act, 1885 (13 of 1885) or the provisions of the Indian Wireless Telegraphy Act, 1933 (17 of 1933);  |
| (l) “Manual” means the Manual of Practice for handling consumer complaints referred to in regulation 20;   |
| (m) “Nodal Officer” means the officer appointed or designated under regulation 6 by a service provider falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1;  |
| (n) “Public Switched Telephone Network” means a fixed specified switched public telephone network providing a two-way switched telecommunications service to the general public;   |
| (o) "regulations" means the Telecom Consumers Protection and Redressal of Grievances of Regulations, 2007;   |
| (p) “Schedule” means the Schedule annexed to these regulations;  |
| (q) “Unified Access Services” -  |
| (i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wired or wireless telegraphy ;  |
| (ii) refers to transmission of voice or non-voice messages over Licensee’s Network in real time only but service does not cover broadcasting of any messages, voice or non-voice, except, Cell Broadcast which is permitted only to the subscribers of the service;  |
| (iii) in respect of which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;   |
| all other words and expressions used in these regulations but not defined, and defined in the Act and the rules and other regulations made thereunder, shall have the meanings respectively assigned to them in the Act or the rules or other regulations, as the case may be.   |
| <b>CHAPTER II</b>  |
| <b>REDRESSAL OF GRIEVANCES OF TELECOM CONSUMERS BY<br/>CALL CENTRES OF SERVIC PROVIDERS</b>  |
| <b>3. Establishment of Call Centre.</b> ----(1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, within sixty days from the date of commencement of these regulations, establish a “Call Centre” for redressal of grievances of its consumers, and, such Call Centre shall be accessible to its consumers round the clock during all days in a week : |

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| <p>Provided that the Consumer Grievance Redressal Mechanism, set up by the service providers (including the Bharat Sanchar Nigam Ltd, and the Mahanagar Telephone Nigam Ltd) at Call Centre level in accordance with the instructions of the Government of India, Ministry of Communications and Information Technology (Department of Telecommunications), Licensing Cell (Basic Services Group) vide No.16-6/2005-BS-II dated the 22nd September, 2005, shall continue to be the Call Centre for the purposes of these regulations:</p>  |
| <p>Provided further that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who has been granted a licence after the commencement of these regulations, shall establish, simultaneously with provision of services, a Call Centre for redressal of grievances of its consumers.</p>  |
| <p>Provided also that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who is providing,----</p>   |
| <p>(a) different services in a licensed service area, may, at its option, set up one or more Call Centres, being common or separate, for such services being provided by it;</p>   |
| <p>(b) services in two or more licensed service areas, may, at its option, set up one or more Call Centres, being common or separate, for one or more such service areas.</p>  |
| <p>(2) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall---</p>   |
| <p>(a) employ or engage sufficient number of officers or employees at its Call Centres;</p>  |
| <p>(b) earmark or allot or establish a basic telephone or cellular mobile telephone number having sufficient lines or connections to be called as the “toll free number” or “consumer care number” or “help line number” or “special number”, as the case may be, at its Call Centres,</p>   |
| <p>so as to ensure compliance with the Quality of Service benchmarks for the parameter “Response Time to the Customer for Assistance” both for percentage of calls answered electronically by interactive voice response system (IVRS) and percentage of calls answered by operator (voice to voice) specified in the Regulation on Quality of Service of Basic and Cellular Mobile Services, 2005 dated the 1<sup>st</sup> July, 2005 (11 of 2005) published under F.No. 305-2/2005(QoS) Vol.II on the 8<sup>th</sup> July, 2005 and the Quality of Service of Broadband Service Regulations 2006 dated the 6<sup>th</sup> October, 2006 (11 of 2006) published under No.304-6/2004-QoS on the 10<sup>th</sup> October, 2006 in the Official Gazette, Part III, Section 4, as amended from time to time by the Authority.</p> |
| <p>(3) No call charges or short message service charges shall be levied upon, or payable by its consumers, for calls made, or, short message service sent, to the “toll free number” or “consumer care number” or “help line number” or “special number”, as the case may be, referred to in clause (b) of sub-regulation (2).</p>   |
| <p>(4) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, immediately on establishment of its Call Centre, give, through a public notice in a newspaper published in Hindi/English language and in a newspaper published in an Indian language in circulation in the area in</p>  |

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| <p>which such service provider is providing services, and, through the telephone bills if issued by the service provider, the contact details including therein the “toll free number” or “consumer care number” or “help line number” of such Call Centres in respect of each licensed service area for which the Call Centres have been established and thereafter give such public notice at least once in twelve months in the same manner:</p>  |
| <p>Provided that in case of change of Call Centres or change of its “toll free number” or “consumer care number” or “help line number”, the same shall be intimated through public notice and telephone bills if issued by the service provider, in the same manner as provided in these regulations.</p>  |
| <p><b>4. Procedure for handling grievances by Call Centres.</b>----(1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, ensure that the Call Centres, immediately on receipt of a complaint from a consumer, --</p>   |
| <p>register such complaint by allotting a unique identification number to be called the docket number;</p>   |
| <p>Provided that a unique docket number assigned under sub-paragraph (i) of paragraph 8 in the Direction F.No.303-6/2006-QoS dated the 29<sup>th</sup> August, 2006 before the commencement of these regulations, shall be the docket number for the purposes of these regulations.</p>  |
| <p>(b) communicate, at the time of lodging the complaint, the unique identification number to be called docket number, date and time of registration of the complaint, to the consumer;</p>  |
| <p>(c) record details in respect of such complaint;</p>  |
| <p>(d) intimate to the consumer ,---</p>   |
| <p>(i) through telephone or other electronic means or any other means; and</p>   |
| <p>(ii) within the time limit specified in regulation 5,</p>   |
| <p>the action taken on the complaint; and</p>  |
| <p>(e) intimate contact details of the Nodal Officer (including his name, telephone number and address) to the consumer in case the consumer is not satisfied with the redressal of his grievance or when requested by him.</p>  |
| <p><b>5. Time limit for redressal of grievance of consumers by Call Centres.</b>----- (1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, without prejudice to the time limits or periods specified in the Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005 dated the 1<sup>st</sup> July, 2005 (11 of 2005) and the Quality of Service of Broadband Service Regulations 2006 dated the 6<sup>th</sup> October, 2006 (11 of 2006), address the request or redress the grievances of its consumers, within the time limits or periods, and, in respect of matters or parameters, specified in the Schedule.</p> |
| <p>(2) In a case—</p>  |
| <p>(a) where no parameter or time limit, relating to fault or disruption of service or disconnection of service, has been specified in the Schedule, all complaints relating to such fault or disruption of service or disconnection of service shall be</p>   |



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| redressed within three days from the date of registration of complaint;  |
| (b) where no parameter or time limit has been specified in these regulations or any other regulations made under the Act for redressal of any grievance, all such complaints shall be redressed within seven days from the date of registration of complaint;  |
| (c) where lesser time limit has been specified by any other law for the time being in force or other regulations made under the Act or by the licensor or by the service provider for redressal of grievance, the Call Centres shall redress the grievances of the consumer within such specified time.  |
| <b>CHAPTER III<br/>REDRESSAL OF CONSUMER GRIEVANCES<br/>BY NODAL OFFICERS</b>  |
| <b>6. Appointment of Nodal Officer.</b> ---(1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, within one month from the date of commencement of these regulations, appoint or designate one or more Nodal Officers, in each of its licensed service area for the purposes of these regulations:   |
| Provided that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who has been granted a licence after the commencement of these regulations, shall appoint or designate simultaneously with provision of services, any of its employees or officers as one or more Nodal Officers, in each of its licensed service area for the purposes of these regulations:   |
| Provided further that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who provides different services in a licensed service area, may, at its option, appoint or designate one or more Nodal Officers, being common or separate, for such services being provided by it.  |
| (2) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, immediately on appointment or designation of a Nodal Officer, -  |
| (a) give, through a public notice in a newspaper published in Hindi/English language and in a newspaper published in an Indian language in circulation in the area in which such service provider is providing services and through telephone bills if issued by the service provider, indicating therein the name of the Nodal Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him in respect of each area for which the Nodal Officers have been appointed or designated and thereafter give such public notice at least once in twelve months in the same manner: |
| Provided that in case of change of the name of the Nodal Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him shall be intimated by public notice and telephone bills if issued by the service provider, in the same manner as provided in these regulations;   |
| (b) display, at its each office, Call Centre, customer care centre, help desk, and,  |

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| <p>at the sales outlets, website and at the office of the Nodal Officer and the appellate authority, the name of the Nodal Officers, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each area for which the Nodal Officers have been appointed or designated.</p>  |
| <p>(3) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall appoint or designate such number of Nodal Officers under sub-regulation (1) and for such areas, as may be considered by it necessary, for Nodal Officer being easily accessible and available for redressal of grievance of the consumers.</p>   |
| <p><b>7. Redressal of Consumer Grievances by Nodal Officers.-----</b> In case a consumer is not satisfied with the redressal of his grievance by the Call Centre, such consumer may approach, by a letter in writing, or through telephone, or web based online filing of complaints or through short message service or through other electronic means and any other means, the Nodal Officer of the service provider for redressal of his grievance:</p> |
| <p>Provided that a consumer may, in emergent situation, approach at the first instance a Nodal Officer instead of a Call Centre and the Nodal Officer shall redress the grievance.</p>   |
| <p><b>8. Handling of grievances of consumers by Nodal Officers.-----</b><br/>Every Nodal Officer shall, ----</p>   |
| <p>(a) be accessible to the consumers at the address made available by the public notice and telephone bills, as referred to in clause (a) of sub-regulation (2) of regulation 6;</p>  |
| <p>(b) register every complaint lodged by the consumers;</p>   |
| <p>(c) communicate, within three days from date of the receipt of the complaint, the unique complaint number to the consumer;</p>  |
| <p>(d) after taking the remedial measure for redressal of the grievance or decision thereon, intimate, within the time limit specified in regulation 9, the remedial measure or decision taken, to the consumer,</p>   |
| <p><b>9. Time limit for redressal of complaints by Nodal Officer.-----</b><br/>The Nodal Officer shall redress the complaints of the consumer within ten days of the registration of the complaint under clause (b) of regulation 8:</p>   |
| <p>Provided that complaints relating to fault or disruption of service or disconnection of service shall be redressed within three days from the date of registration of complaint under clause (b) of regulation 8:</p>   |
| <p style="text-align: center;"><b>CHAPTER IV</b><br/><b>APPEAL TO APPELLATE AUTHORITY OF SERVICE PROVIDER</b><br/><b>FOR REDRESSAL OF CONSUMER GRIEVANCES</b></p>  |
| <p><b>10. Appointment of appellate authority. ----</b>(1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, within three months from the date of commencement of these regulations,</p>  |

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| <p>appoint one or more appellate authorities, in each of its licensed service area to hear and dispose of the appeals filed under sub-regulation (1) of regulation 11 :</p>   |
| <p>Provided that the Consumer Grievance Redressal Mechanism, set up at an Appellate Authority level within the company in accordance with the instructions of the Government of India, Ministry of Communications and Information Technology (Department of Telecommunications), Licensing Cell (Basic Services Group) vide No.16-6/ 2005-BS-II dated the 22nd September 2005, shall continue to be the appellate authority for the purposes of these regulations:</p>  |
| <p>Provided further that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who has been granted a licence after the commencement of these regulations, shall appoint, simultaneously with provision of services, one or more appellate authorities, in each of its licensed service area for the purposes of these regulations:</p>  |
| <p>Provided also that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who provides different services in a licensed service area, may, at its option, appoint one or more appellate authorities, being common or separate, for such services being provided by him:</p>  |
| <p>Provided also that a service provider, falling in clause (b) of sub-regulation (3) of regulation 1, being an Internet Service Provider, providing Broadband Service and having all India licence, may, for the purpose of these regulations, appoint one or more appellate authorities for any part or whole of India.</p>   |
| <p>(2) Every service provider, referred to in sub-regulation (1), shall, immediately on appointment of an appellate authority,---</p>   |
| <p>(a) give, a public notice in a newspaper published in Hindi/English language and in a newspaper published in an Indian language in circulation in the area in which such service provider is providing services and through telephone bills if issued by the service provider, indicating therein, the address of the appellate authority and the telephone number, e-mail address, facsimile number and other means of contacting the secretariat of the appellate authority and the procedure for filing the appeal, and, thereafter, give such public notice at least once in twelve months in the same manner;</p> |
| <p>(b) display, at its each office, Call Centre, customer care centre, help desk, and, at the sales outlets, website, office of the Nodal Officer and appellate authority, the name of the appellate authority, its address and telephone numbers, e-mail address, facsimile numbers and other means of contacting the secretariat of the appellate authority and procedure for filing the appeal, in respect of each licensed service area for which the appellate authority has been appointed.</p>   |
| <p><b>11. Appeal to appellate authority of service provider for redressal of consumer grievances.</b>-----<br/> (1) In case a consumer is not satisfied with the redressal of his grievance by the Nodal Officer or his complaint remains to be redressed or no reply is received within the period specified in regulation 9, such consumer may, in writing, make an appeal to the appellate authority of the concerned service provider referred to in sub-regulation (1) of regulation 10 for redressal of his grievance.</p>  |

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| (2) Every appeal to the appellate authority under sub-regulation (1) shall be made in duplicate, in the Form annexed to these regulations.   |
| (3) Every appeal under sub-regulation (1) shall be filed within three months after the expiry of the time limit specified in regulation 9:   |
| Provided that the appellate authority may entertain any appeal after the expiry of the said period of three months but before one year from the time limit specified in regulation 9 if it is satisfied that there was sufficient cause for not filing it within that period.                                      |
| (4) Every service provider, referred to in sub-regulation (1) of regulation 10, shall make available to the consumer the Form referred to in sub-regulation (2) free of charge,---   |
| (a) at its every office and sales outlets, and at every office of the Nodal Officer and the appellate authority;   |
| (b) at its website for download by consumers.  |
| <b>12. Composition of appellate authority for redressal of grievances of the consumers.</b> ----- An appellate authority shall consist of one or more persons, as may be determined and appointed by a service provider.   |
| <b>13. Intimation of appointment of appellate authority.</b> ----- The service provider, referred to in sub-regulation (1) of regulation 10, shall, within one week from the date of appointment of an appellate authority, intimate to the Authority such appointment:  |
| Provided that the Authority may call for further details about such appointment of the person or persons as the appellate authority and the service provider shall submit such information to the Authority within such time as it may specify in this regard.   |
| <b>14. Remuneration.</b> ----- The remuneration and other expenses of the person or persons appointed as appellate authorities under sub-regulation (1) of regulation 10 shall be determined and borne by the service provider.  |
| <b>15. Secretariat of an appellate authority.</b> ----- (1) The service provider, referred to in sub-regulation (1) of regulation 10, shall appoint or designate one of its officers or employees as Secretary to an appellate authority.  |
| (2) The service provider, referred to in sub-regulation (1), shall provide a secretariat and required supporting staff and office accommodation for the appellate authority to discharge its functions under these regulations.  |
| <b>16. Disposal of appeal by appellate authority.</b> ----- (1) The service provider referred to in sub-regulation (1) of regulation 10, shall require the appellate authority to ensure uniformity in the procedure for deciding appeals and comply with the provisions contained in sub-regulations (2) to (13). |
| (2) The secretariat of the appellate authority shall,---   |
| (a) register every appeal immediately on receipt of the same and send, within three days of receipt of the appeal, an acknowledgement to the appellant indicating the serial number of the appeal registered;  |
| (b) forward, within six days from the date of receipt of an appeal, a copy of the appeal to the concerned service provider for filing reply.   |

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| (3) The service provider, shall, within fifteen days from the date of receipt of the appeal forwarded under clause (b) of sub-regulation (2), file in writing its reply.   |
| (4) In case the service provider referred to in clause (b) of sub-regulation (2), fails to file its reply within the period specified in sub-regulation (3), the appellate authority shall proceed on the basis of the material available on record.   |
| <b>(5) The appellate authority may call for, any information, document or record, from the service provider referred to in clause (b) of sub-regulation (2) or the appellant, which may be relevant and necessary for examination and disposal of the appeal, as the case may be.</b>  |
| (6) The service provider referred, to in clause (b) of sub-regulation (2), and the appellant, shall provide such information, document or record as the appellate authority may call for under sub-regulation (5):   |
| Provided also that in case a party to the case fails to furnish such information, document or record, the appellate authority, on being satisfied that the party in possession of the record is withholding it, it may decide the appeal after appraising the material available on record and decide the appeal to the best of its judgment on merits.  |
| (7) The appellate authority shall, on receipt of the reply under sub - regulation (3) and on the basis of information, document or record under sub -regulation (6) from the service provider and after conducting such inquiry as the appellate authority may consider necessary, and after affording reasonable opportunity of hearing to the parties, dispose of the appeal by passing an order in writing and stating therein the points for determination, the decision thereon and the reasons for the decision. |
| (8) The appellant, being consumer, may, either appear in person or authorize any of his representative to present his case or send his representation with a request to dispose of the appeal, without being present in person.  |
| (9) The service provider, referred to in clause (b) of sub-regulation (2), may authorize one or more of its officers or employees to present its case:   |
| Provided that in case the service provider fails to present its case before the appellate authority on the date fixed for hearing, the appellate authority may proceed ex-parte and decide the appeal on merits.   |
| (10) The appellate authority shall decide every appeal within three months from the date of filing the appeal and pass order in accordance with the provisions of sub-regulation (7).  |
| (11) The order of the appellate authority shall be communicated in writing within seven days of the order to the appellant and the concerned service provider.   |
| (12) The service provider, referred to in clause (b) of sub-regulation (2), shall, within fifteen days from the date of receipt of the order referred to in sub-regulation (11), comply with the order of the appellate authority and report immediately compliance thereof to the appellate authority.  |
| (13) The appellate authority may decide any appeal with the consent between the parties at any stage of the proceedings and such appeal shall be treated as decided with the mutual consent of the parties.  |

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| <p><b>17. Reporting requirements.</b>----- (1) The service provider referred to in sub-regulation (1) of regulation 10 shall ensure that every appellate authority keeps a record of appeals made to it under sub-regulation (1) of regulation 11 and the decisions on such appeals and complies with the provisions contained in sub-regulations (2) to (5).</p>  |
| <p>(2) Every appellate authority shall submit to the Authority, by the 15<sup>th</sup> October and the 15<sup>th</sup> April of every financial year or at such shorter intervals, as the Authority may specify from time to time, a report mentioning therein -----</p>   |
| <p>(a) the number of appeals received;</p>   |
| <p>(b) number of appeals pending;</p>  |
| <p>(c) number of appeals disposed of ; and</p>   |
| <p>(d) such other particulars, as may be required by the Authority, for discharge of its functions under the Act.</p>  |
| <p>(3) The report in respect of matters specified in clauses (a) to (c) of sub-regulation (2) shall pertain to the period of the six months preceding immediately the month in which the report is required to be submitted in respect of such matters under sub-regulation (2) to the Authority.</p>  |
| <p>(4) The Authority may, if so required in the interest of the consumers, publish the report submitted to it under sub-regulation (2) and also place the same on its website.</p>   |
| <p>(5) A copy of the report referred to in sub-regulation (2) shall be forwarded by the appellate authority to the licensor and the service provider.</p>  |
| <p><b>18. Status of appeals.</b>---- (1) The service provider referred to in sub-regulation (1) of regulation 10 shall ensure that every appellate authority exhibits at its website, if any, the status and details of appeals pending within the time limit and the details of appeals pending, if any, after the expiry of the time limit specified in sub-regulation (10) of regulation 16.</p>  |
| <p>(2) In case the appellate authority is unable to exhibit the status and details of appeals pending, as referred to in sub-regulation (1) due to non-availability of its website, the concerned service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall arrange to exhibit at its website the status and details of appeals pending if any, within the time limit and the details of appeals pending, if any, after the expiry of the time limit specified in sub-regulation (10) of regulation 16.</p> |
| <p><b>CHAPTER V</b><br/> <b>COMPLAINTS REFERRED BY AUTHORITY</b><br/> <b>TO SERVICE PROVIDERS FOR</b><br/> <b>REDRESSAL OF CONSUMER GRIEVANCES</b></p>   |
| <p><b>19. Complaints referred to service providers by Authority.</b>----(1)<br/> The Authority may, without prejudice to the provisions contained in the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), refer to the service providers, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, for redressal of the complaints,---</p>  |
| <p>(a) being the complaints alleging violation of the Act or regulations made</p>  |

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| thereunder or directions issued or orders made by it under the Act;  |
| (b) being the complaints of the consumers which are generic in nature;   |
| (c) being the complaints alleging the practices adopted by the service providers adversely affecting the interest of the consumers.  |
| (2) The service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall investigate and find out root cause of all such complaints referred by the Authority under sub-regulation (1) and resolve or redress such complaints within one month from the date of referring of the complaints by the Authority.  |
| (3) The service provider, referred to in sub-regulation (2), shall inform the concerned consumers and the Authority regarding resolution or redressal of the complaint within one month from the date of referring of the complaints under sub-regulation (1).   |
| (4) In case the investigation and root cause of the complaints found out under sub-regulation (2) reveal general deficiency or systemic inadequacy in the practice and procedure or operation adopted by, or, on the part of, the service provider, the service provider shall take remedial measure in respect of all such similarly placed consumers and intimate to the Authority along with the information required under sub-regulation (3), within two months of referring such complaint under sub regulation (1), such general deficiency or systemic inadequacy revealed and remedial measures taken by such service provider. |
| <b>CHAPTER VI</b>  |
| <b>MANUAL FOR CONSUMERS' EDUCATION AND PREVENTION OF THEIR GRIEVANCES</b>  |
| <b>20. Manual of Practice for handling consumer complaints.-----(1)</b>  |
| Every Service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall publish a "Manual of Practice for handling consumer complaints" containing following information relating to Basic Telephone Service, Cellular Mobile Telephone Service and Broadband Service, namely: -  |
| (a) name and address of the service provider;  |
| (b) terms and conditions of service offered by the service provider;   |
| (c) Call Centre or helpline Number or customer care number or toll free number and name, designation, of the Nodal Officer and e-mail, contact telephone number, facsimile number and address of the Nodal Officer and the appellate authority;  |
| (d) procedure for shifting and transfer of telephone, provision of accessories and customer premises equipment;  |
| (e) information about service availability and coverage for cellular mobile telephone service;   |
| (f) complaint redressal mechanism (including complaint redressal procedure and the time limits for the redressal of grievances by the Call Centre, Nodal Officer and filing and disposal of an appeal by the appellate authority);   |
| (g) an Annexure [relating to the Basic Service (wire line)] to the Manual  |

|   |
|---|
| containing text of the Quality of Service Benchmarks, in particular the following benchmarks (including provisions relating to rebate as admissible to consumers) for Basic Service (Wire line) specified in clause (i) of regulation 4 of the Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005 (11 of 2005), as amended from time to time, namely:--   |
| (A) Benchmark against S.No.1 relating to provision of a telephone after registration of demand;   |
| (B) Benchmark against S.No.3 relating to fault repair by next working day;  |
| (C) Benchmark against S.No.8 relating to shifts;  |
| (D) Benchmark against S.No.8 relating to closures;  |
| (E) Benchmark against S.No.10 relating to time taken for refund of deposits after closures;   |
| (h) an Annexure [ relating to Basic (Wireless) and Cellular Mobile Telephone Service] to the Manual containing text of the Quality of Service Benchmarks, in particular the following benchmarks (including provisions relating to rebate as admissible to consumers) for Basic Service (Wireless) and Cellular Mobile Telephone Service specified in clause (ii) of regulation 4 of the Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005 (11 of 2005), as amended from time to time, namely:-- |
| (A) Benchmark against S.No.C (ii) relating to percentage of billing complaints resolved within four weeks;  |
| (B) Benchmark against S.No.C (iii) relating to period of all refunds/ payments due to customers from the date of resolution of complaints;  |
| (i) an Annexure [relating to Broadband Service] to the Manual containing text of the Quality of Service Benchmarks, in particular the following benchmarks (including provisions relating to rebate as admissible to consumers) for Broadband Service specified in regulation 3 of the Quality of Service of Broadband Service Regulations, 2006 (11 of 2006), as amended from time to time, namely:--  |
| (A) Benchmark against S.No.(i) relating to service provisioning/ activation time;   |
| (B) Benchmark against S.No.(ii) relating to fault repair/ restoration time;   |
| (C) Benchmark against S.No.(iii) relating to billing performance;   |
| (D) Benchmark against S.No.(v)(b) relating to Broadband connection speed (download):  |
| Provided that the service provider may annex the Annexure referred to in clause (g), (h) and (i), in the Manual, which relate to the services provided by it.   |
| (j) right of consumer for termination or disconnection of the service;  |
| (k) the amount to be deducted, whether as an administrative expenses or otherwise, from the total pre-paid value of service ;   |
| (l) provisions of these regulations, in particular relating to the rights of the consumers;   |
| (m) the duties and obligations of the service provider under these regulations;   |
| (n) any other information which may be adversely affecting the consumers.   |
| (2) The Manual shall be prepared in English language and Hindi language and language of the State in which, Basic Telephone Service, Cellular Mobile  |



|  |
|--|
| Telephone Service and Broadband Service, is provided to the consumer.  |
| (3) The Manual shall be available for reference at every office of the service provider referred to in sub-regulation (1), Call Centre, customer care centre, help desk, the Nodal Officer, the appellate authority, at the sales outlets and at the website of the service provider and also by any other means which the service provider may consider appropriate.  |
| (4) A copy of the Manual or its abridged version (containing salient features such as terms and conditions of service, contact details of Call Centre, the Nodal Officer and the appellate authority, procedure and time limit for redressal of grievances and time limit specified in the Schedule) shall be provided by the service provider or his agent to each consumer at the time of his subscription for service.  |
| (5) A copy of the Manual certified by the service provider as “true copy” thereof shall be filed with the Authority within three months from the date of commencement of these regulations:  |
| Provided further that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who has been granted a licence after the commencement of these regulations, shall file with the authority, within three months of providing services, a copy of manual certified by the service provider “as true copy” thereof.  |
| <b>21. Providing usage details in respect to Pre-paid mobile connections.</b> – (1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, on request from any consumer, who has been provided pre-paid mobile connection, supply such consumer, at a reasonable cost, the information relating to the itemized usage charges showing actual service usage details in terms of all call data records including value added services, premium rate services and roaming charges, and their monetary value. |
| (2) Every service provider, referred to in sub-regulation (1), shall provide the information referred to in sub-regulation (1) for any period falling in preceding six months immediately preceding the month in which the request has been made by the consumer under the said sub-regulation.  |
| (3) For the purposes of sub-regulation (1), the “reasonable cost” means the cost or price not exceeding rupees fifty, or the cost or price payable by the post paid consumers of the same service provider for obtaining the information referred to in sub-regulation (1), or cost or price payable in accordance with the terms and conditions of licence of such service provider, whichever is lowest.   |
| <b>CHAPTER VII</b><br><b>MISCELLANEOUS</b>   |
| <b>22. Consumer grievance Redressal Mechanism by other service provider in certain cases.</b> ----- Every service provider, not falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, and to which these regulations are not applicable or in respect of which no direction has been  |

issued under the Act for establishment of Consumer Grievance Redressal Mechanism or to which the instructions of the Government of India, Ministry of Communications and Information Technology (Department of Telecommunications) Licensing Cell (Basic Services Group) vide No.16-6/2005-BS-II dated the 22 September 2005 are not applicable for setting up of mechanism of redressal of consumer grievances, shall, establish an appropriate Consumer Grievance Redressal Mechanism for redressal of grievance of its consumers.

**23. Inspection and Auditing.**----- (1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall maintain complete and accurate records of redressal of grievances by its Call Centres, Nodal Officers and appellate authorities.

(2) The Authority may, if it considers it expedient so to do, and to ensure compliance of the provisions of these regulations, by order, in writing, direct any of its officers or employees or through an independent agency appointed by the Authority to,---

(a) inspect any Call Centre, Office of the Nodal Officer and the secretariat of the appellate authority and the records maintained under sub-regulation (1); or,

(b) get the records maintained under sub-regulation (1) audited.

(3) The person or persons referred to in sub-regulation (2) shall submit to the Authority a report in respect of such inspection or audit, as the case may be.

(4) The Authority, if it considers it expedient so to do, may require the service provider referred to in sub-regulation (1) to get the records maintained under sub-regulation (1) audited through an independent agency as may be specified by the Authority and submit the report in respect of such audit to the Authority and the cost of such audit shall be borne by the concerned service provider.

**24. Application of other laws not barred.**----- The provisions of these regulations shall be in addition to, and not in derogation of, any other law for the time being in force.

**25. Right of consumers to seek redressal under the Consumer Protection Act, 1986 or any other law for the time being in force.**----- (1) The provisions of these regulations are in addition to any right conferred upon the consumers under the Consumer Protection Act, 1986 (68 of 1986) or any other law for the time being in force.

(2) Any consumer may, at any time,---  
during pendency of redressal of his grievance, whether by filing of complaint or appeal, under these regulations; or

(b) before or after filing of complaint or appeal, under these regulations,  
exercise his right conferred upon him under the Consumer Protection Act, 1986(68 of 1986) or any other law for the time being in force and seek redressal of his grievance under that Act or law.

**26. Reckoning of time limit for the purposes of these regulations.**----- The time limit or the period specified under these regulations for making a complaint or request for redressal of grievance or any

|   |
|---|
| other request or making of an appeal, shall exclude the day of making such complaint or request for redressal of grievance or any other request or making of an appeal, as the case may be. |
| <b>27. These regulations not to apply in certain cases.</b> ----- Nothing contained in these regulations shall apply to any matter or issue for which--                                     |
| (a) any proceedings, before any court or tribunal or under the Consumer Protection Act, 1986 (68 of 1986) or any other law for the time being in force, are pending; or                     |
| (b) a decree, award or an order has already been passed by any competent court or tribunal or authority or forum or commission, as the case may be.   |

**FORM**

(See regulation 11 of the of Telecom Consumers Protection and Redressal of Grievances Regulations, 2007}

Appeal under regulation 11 of the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 to the appellate authority appointed by-----  
(mention name and address of service provider)

|   |  |
|---|--|
| 1. The Name, Address, Telephone Number, Facsimile number and the e-mail address of the Appellant.                                       |  |
| 2. Telephone Number or Cellular Mobile Telephone Number or Broadband Connection Identity, as the case may be, for which appeal is filed |  |
| 3. The name of the city / district of the origin of complaint   |  |
| 4. The name of the State or licensed service area, as the case may be, of the origin of complaint.                                      |  |
| 5. Nature of Complaint (specify, whether complaint relates to Provisioning/Activation/Billing/Fault-Repair/Service disruption           |  |

|  |  |
|--|--|
| /disconnection of service/ Value Added Service / Closure / Termination or specify if any other).   |  |
| 6. The docket number allotted by the Call Centre at the time of lodging complaint under clause (a) of sub-regulation (1) of regulation 4 and date of lodging the complaint with the Call Centre.   |  |
| 7. The unique complaint number communicated by the Nodal Officer under clause (c) of regulation 8, and date of lodging the complaint with the Nodal Officer.   |  |
| 8. Date of decision of the Nodal Officer and decision intimated by the Nodal Officer under clause (d) of regulation 8, if any.   |  |
| 9. Statement of Facts relating to grievance or appeal:<br>(attach separate sheet signed by Appellant if required)  |  |
| 10. Grounds of Appeal:<br>A full description of the matter, which is the cause of the grievance, including copies of any relevant and supporting documents, if any, and the relief claimed in Appeal<br>(attach separate sheet signed by Appellant if required). |  |

|  |  |
|--|--|
| <p>11. A statement to the effect that same subject matter or issue, for which an appeal has been filed under these regulations, is not covered in any proceedings before any court or tribunal or under the Consumer Protection Act, 1986 (68 of 1986) or any other law for the time being in force.</p> |  |
| <p>12. Details of any other relevant material or document.</p>   |  |
| <p>13. Whether the Appellant requests to grant him exemption from appearing in person and decide the appeal on the basis of information, document or record filed by him.</p>  |  |

**Form for verification**

I, \_\_\_\_\_ (name in full and in block letters), the appellant, son/daughter of \_\_\_\_\_ do hereby declare that to the best of my knowledge and belief, the information given in this appeal and the annexure and statements accompanying the appeal are correct, complete and truly stated.

.....  
Signature of appellant

(Name of appellant).....

(Specify status of the appellant, whether a  
company/firm/society/ individual/  
others ..... )

**Note1.** The Form of appeal, grounds of appeal and the Form of verification appended shall be signed by the appellant.

**Note2.** The appellant shall submit in duplicate the appeal in this Form.

## SCHEDULE

(See regulation 5)

### Service Parameters and Time Limit for Service Request or Redressal of Complaint of Telecom Consumers by Call Centres

#### A. Basic Service (Wire line):

| Serial Number<br>(1) | Service Parameter<br>(2)                                     | Time Limit for service request or redressal of complaint<br>(3)             |
|----------------------|--|---|
| (i)                  | Provision of Telephone                                       | All cases within seven days (subject to technical feasibility)              |
| (ii)                 | Fault Repair   | Within three days   |
| (iii)                | Shift of Telephone   | Within three days   |
| (iv)                 | Closures   | Within twenty four hours  |
| (v)                  | Percentage of Billing Complaints resolved with in four weeks | All billing complaints to be resolved within four weeks.                    |
| (vi)                 | Time taken for refund of deposits after closure              | All cases of refund of deposits to be made within sixty days after closure. |

#### B. Basic Service (Wireless) and Cellular Mobile Telephone Service:

| Serial Number<br>(1) | Service Parameter<br>(2)  | Time Limit for service request or redressal of complaint<br>(3)   |
|----------------------|---|---|
| (i)                  | Billing Performance<br>(a) Percentage of Billing Complaints resolved with in four weeks<br>(b) Period of all refunds /payments due to customers from the date of resolution of complaints | (a) All billing complaints to be resolved within four weeks.<br><br>(b) All cases of refunds or payments due to customers to be made within four weeks from the date of resolution of billing complaints. |

**C. Broadband Service:**

| <b>Serial Number<br/>(1)</b> | <b>Service Parameter<br/>(2)</b>   | <b>Time Limit for service request or redressal of complaint<br/>(3)</b>   |
|------------------------------|--|---|
| (i)                          | Service Provisioning /Activation Time  | All cases within fifteen days (subject to technical feasibility).   |
| (ii)                         | Fault Repair / Restoration Time  | Within three days   |
| (iii)                        | Billing Performance<br>(c) Percentage of Billing Complaints resolved.<br>(d) Time taken for refund of deposits after closure | (a) All billing complaints to be resolved within four weeks.<br>(b) All cases of refund of deposits to be made within sixty days after closure. |

**(R.K. Arnold)**  
**Secretary**

**Note.** -----The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007.



**INTERNATIONAL EXPERIENCE - QoS**

Singapore-

**Table 1: QoS Standards for Cellular Mobile Telephone Service**

| <b>QoS Parameters related to</b>  | <b>QoS Benchmarks</b>                     |
|---|---|
| 1. Service Coverage<br>a) Street level<br>b) In-Building service coverage (within and outside of CBD) | >95%<br>>85%<br>(For public access areas) |
| 2. Network Availability   | [No .2-7 For monitoring]                  |
| 3. Network congestion during busy hour  |   |
| 4. Success rate for PSTN and mobile originated  |   |
| 5. Drop call rate of PSTN and mobile originated calls during busy hour                                |   |
| 6. Complaints on coverage per 1000 subscribers  |   |
| 7. Data Throughput Speed.   |   |

**Table 2: QoS Standards for Basic Telephone Service**

| <b>QoS Parameters related to (For compliance unless otherwise indicated<sup>i</sup>)</b>            | <b>QoS Benchmarks</b> |
|---|-----------------------|
| <b>1. Availability</b>  |                       |
| a. Availability of Telephone Exchange Equipment <sup>ii</sup>                                       | ≥99.99%               |
| b. Availability of Access Network <sup>iii</sup>  | ≥99.85%               |
| <b>1. Direct Exchange Lines (DELs) to be separately measured for residential and business DELs)</b> |                       |

|   |   |
|---|---|
| <p><b>a. Telephone Installation and Activation for DELs<sup>iv</sup></b></p> <ul style="list-style-type: none"> <li>➤ Within 5 working days or date specified by customers</li> <li>➤ Within 4 working days after time specified</li> </ul> <p><b>b. Telephone Fault Repair Time: % of faults fixed (from time of fault reported to fault fixed) within:</b></p> <ul style="list-style-type: none"> <li>➤ 24 hours</li> <li>➤ 72 hours</li> </ul> | <p>≥95%</p> <p>100%</p> <p>≥90%</p> <p>≥99.9%</p> |
| <p><b>2. No.of faults reported per 100 DELs</b></p>   | <p>&lt;0.5</p>                                    |
| <p><b>3. Telephone fault reporting service</b></p> <ul style="list-style-type: none"> <li>➤ % of total calls handled</li> <li>➤ Average Waiting time</li> </ul>   | <p>≥95%</p> <p>For Monitoring</p>                 |
| <p><b>4. % of Trouble Reports within 30 days of Installation and Activation</b></p>   | <p>For Monitoring</p>                             |

**i.** For each instance of non-compliance, a financial penalty of \$5,000 per standard per month may be imposed.

**ii.** A telephone exchange equipment is unavailable when there are exchange faults such as those related to switching or transmission. Availability calculation is based on inputs obtained from all local switches only. Outage time includes software and hardware faults.

{Sum [(Per local switch in-service minutes in a month) / (per local switch in-service minutes in a month + per local switch out-service minutes in a month)] } x 100%

**iii.** Measures the availability of the distribution circuits from the exchange to the distribution point, including the fibre, copper, access multiplexers and any other access equipment where applicable.

{Sum [(Per distribution circuit in-service minutes in a month) / (per distribution circuit in-service minutes in a month + per distribution circuit out-service minutes in a month)] } x 100%

iv. Computed from the date the application is received to the date the service is activated.

**Table 3 : QoS Standards for Broadband Service**

| <b>(A)</b> | <b>Performance Indicators (For Compliance<sup>i</sup>)</b>   | <b>QoS Standards</b>    |
|------------|--|-------------------------|
| (1)        | <b>Network Availability<sup>ii</sup></b>   | > 99.9%                 |
| (2)        | <b>Network Latency (for round-trip) [see *]</b> In cases where more than one network latency figure is available for either the local or international network, BASPs must also submit one weighted average network latency figure for the relevant segment of the broadband network.<br>Local Network Latency <sup>iii</sup><br>International Network Latency <sup>iv</sup>   | ≤ 50 msec<br>≤ 300 msec |
| (3)        | <b>Bandwidth Utilisation<sup>v</sup> [see *]</b> (for connections within the local network) For any one segment of the broadband network with more than 1 link, the BASP will be required to submit bandwidth utilisation figures for each individual link in that segment. In addition, in these cases, the BASP must also submit one weighted average peak bandwidth utilisation figure for the relevant segment of the broadband network. |                         |
|            | Segment between A-B  | ≤ 90% [not to           |
|            | Segment between B1-E1  | exceed 90% for          |
|            | Segment between B2-C   | 3 or more               |
|            | Segment between D-E2   | consecutive             |

|            |   |                      |
|------------|---|----------------------|
|            | Segment between F-G   | months]              |
| <b>(B)</b> | <b>Performance Indicators (For Monitoring)</b>  | <b>IDA's Comment</b> |
| (1)        | <b>Service Activation Time<sup>vi</sup></b>   |                      |
| (a)        | % of service accounts activated within 5 working days or on date agreed/specified by customers                                    | For Monitoring       |
| (b)        | Total no. of applications received for the period   |                      |
| (2)        | <b>Customer Service Support</b>   |                      |
|            | No. of customer complaints received per 1000 subscribers <sup>vii</sup>   | For Monitoring       |
| (3)        | Multiple TCP Throughput <sup>viii</sup>   |                      |
| (a)        | Local <sup>ix</sup> for Residential and Business  | For Monitoring       |
| (b)        | International <sup>x</sup> for Residential and Business   |                      |
| (4)        | Single TCP Throughput <sup>xi</sup>   |                      |
| (a)        | Local <sup>ix</sup> for Residential and Business  | For Monitoring       |
| (b)        | International <sup>x</sup> for Residential and Business   |                      |
| (5)        | <b>International Bandwidth Utilisation</b> [only for Internet Exchange Service Providers (IXSP) to provide on the behalf of BASPs | For Monitoring       |

\* Frequency of Measurement: BASPs are required to make “test-calls” at 5-minute intervals during the 3 busiest consecutive hours for broadband Internet usage everyday. The “busiest hours” (or “peak hours”) refer to the 3 busiest hours of a working week, excluding Sundays and public holidays. BASPs must inform IDA of their 3 busiest hours when submitting their first QoS report – IDA reserves the right to review the 3 busiest hours to determine if they should be changed, based on the MRTG Graphs and any other supporting documents.

**i.** For each instance of non-compliance, a financial penalty of \$5,000 per standard per month may be imposed.

**ii.** Network Availability is the measure of the degree to which the access network is operable and not in a state of failure or outage at any point of time. It measures the total downtime of the network, including the ATM switches, multiplexers, routers, e-mail facilities (if provided) and connection to I-NET and Internet backbone over a month. All scheduled downtime for the purposes of maintenance and upgrading of the network system will be excluded from the calculation. However, all access network operators must keep their users informed of such maintenance times. Reported downtime should include any downtime caused by upstream service providers.

Network Availability = (Total operational minutes – Total minutes of service downtime) x 100% Total operational minutes

**iii.** BASPs are required to send a PING packet from its test point to a router. PING packets are ICMP echo requests, which are 32 bytes in size for MS DOS and 56 data bytes for UNIX/MAC. The data for each month should be arranged in an ascending order and the 95th-percentile reading must be taken. The measurement, in "x msec", represents the maximum network latency (for round-trip) experienced by end-users for 95% of the time during peak hours and it should be less than 50msec in order to meet IDA's QoS standard.

**iv.** BASPs are required to send a PING packet from its test point to a router at the first U.S Point-of-Presence. However, BASPs should only take the readings along the trace routes for international network latency computation. The data for each month should be arranged in an ascending order and the 95th-percentile reading must be taken. The measurement, in "y msec", represents the maximum network latency (for round-trip) experienced by end-users for 95% of the time during peak hours and it should be less than 300 msec in order to meet IDA's QoS standard.

**v.** Highest Bandwidth Utilisation = (peak utilisation level in each segment) / (total bandwidth available for that segment). BASPs are required to run “Daily” MRTG Graphs at 5 minute average during peak hours. The highest bandwidth utilisation is the peak utilisation level in each segment for each month. BASPs are required to run “Monthly” MRTG Graphs to obtain average bandwidth utilisation for each month for every segment. The Monthly Graphs are to be submitted to IDA. BASPs should closely monitor their links when the loading level exceeds 75%. However, BASPs will only be required by IDA to purchase additional bandwidth if the bandwidth utilisation of the terrestrial links exceeds the 90% loading level for a period of at least 3 months and if there is no better alternative plan to maintain the QoS. Should a BASP have more than one link within one segment of the broadband network, it will be required to submit bandwidth utilisation figures for each individual link in that segment. For example, if a BASP has 3 separate links to its IXs, it should submit separate bandwidth utilisation returns for each of the 3 links. In addition, in these cases, the BASP must also submit one weighted average peak bandwidth utilisation figure for the relevant segment of the broadband network. For instance, in the above example, the BASP must also submit one weighted average peak bandwidth utilisation figure, taking into account the peak bandwidth utilisation of each of its 3 separate links to its IXs.

**vi.** Service Activation Time should be computed from the date of application to date of service activation.

**vii.** A “complaint” is defined as any expression of dissatisfaction with the service provider’s service, product, advertisement or policy via oral or written communication, which requires some action by the service provider beyond the initial contact.

**viii.** Throughput refers to the amount of data that is successfully transferred from one point of the network to another over a specified period of time. It is usually expressed in terms of kbps or Mbps. To run

the Multiple TCP throughput tests, the BASP will be required to run multiple concurrent TCP sessions to fill up the access pipes. The Multiple TCP throughput tests will only apply to the top four most heavily subscribed broadband plans.

**xi.** BASPs are required to run six-hourly throughput tests over a 7-day testing period for each of the broadband plans it is required to test, from its test point to a test server in its local Internet Data Centre. For quarterly reporting purposes, BASPs should report the throughput result recorded over a testing period for each broadband plan it tests.

**x.** BASPs are required to run six-hourly throughput tests over a 7-day testing period for each of the broadband plans it is required to test, from its test point to a test server at the first U.S. Point-of-Presence. For quarterly reporting purposes, BASPs should report the throughput result recorded over a testing period for each broadband plan it tests.

**xi.** Single TCP throughput measures the throughput provided by the respective broadband service plans for a single TCP session. The Single TCP throughput tests will only apply to the top four most heavily subscribed broadband plans.

**Malaysia-**

**Table 4: QoS Standards for Cellular Mobile Telephone Service**

| <b>QoS Parameter</b>   | <b>Benchmark</b>         |
|--|--------------------------|
| <p><b>1. Standards on billing performance</b><br/>           The percentage of billing complaints in any one billing period shall not exceed 2 % of the total number of bills.<br/>           Billing complaints shall be</p> <ul style="list-style-type: none"> <li>i) Resolved within 15 business days of receipt of complaint.</li> <li>ii) Within 30 business days of receipt of complaint.</li> </ul> | <p>90%</p> <p>95%</p>    |
| <p><b>2. Standards on endpoint service availability</b><br/>           ESA for both intra and inter network call connections</p>   | <p>not less than 90%</p> |
| <p><b>3. Call drop rate</b><br/>           Not more than 5% intra network calls should result in</p>   |                          |

|   |                 |
|---|-----------------|
| dropped calls.  |                 |
| <b>4. Standards on general consumer complaint handling</b><br>The number of general customer complaints shall not exceed 50 complaints per 1000 lines in a 12 month period.   |                 |
| <b>5. Standards on operator speed of answer</b><br>➤ all operator assisted calls for emergency services shall be answered in not more than 10 seconds.<br>➤ all operator assisted calls for emergency services shall be answered in not more than 20 seconds. | 90%<br><br>100% |
| <b>6. Audit and Verification</b><br>The commission may from time to time conduct an audit on the reports submitted.   |                 |

**Table 5: QoS Standards for Basic (Fixed) Telephone Service**

| <b>QoS Parameter</b>   | <b>Benchmark</b>   |
|--|--|
| <b>1. Standards on billing performance</b><br>a. The percentage of billing complaints in any one billing period shall not exceed 2 % of the total number of bills.<br>b. Billing complaints shall be<br>i) Resolved within 15 business days of receipt of complaint.<br>ii) Within 30 business days of receipt of complaint. | 90%<br><br>95%   |
| <b>2. Standards on fulfillment of installation orders</b><br>i) Within 24 hours of receipt of the order<br>ii) Within 48 hours of receipt of the order<br>Above 100% shall fulfill within 7 business days.   | 80%<br>90%   |
| <b>3. Standards on general consumer complaint handling</b><br>The number of general customer complaints shall not exceed 50 complaints per 1000 lines in a 12 month period.  |  |
| <b>4. Standard on intra network call connection loss</b>   | Not more than 6% of all intra network calls shall be lost calls. |
| <b>5. Standard on inter network call connection loss.</b>  |  |



|  |                        |
|--|------------------------|
| <p><b>6. Standards on operator speed of answer</b><br/> all operator assisted calls for emergency services shall be answered in not more than 10 seconds.<br/> all operator assisted calls for emergency services shall be answered in not more than 20 seconds.</p> | <p>90%</p> <p>100%</p> |
| <p><b>7. Standard on inter network post dialing delay</b><br/> Calls attempted should be less than 13 sec<br/> Calls attempted should be less than 10sec</p>   | <p>95%</p> <p>95%</p>  |
| <p><b>8. Standards on service restoration performance</b><br/> Service restoration request shall be fulfilled within 24 hours of receipt of request<br/> Service restoration request shall be fulfilled within 48 hours of receipt of request</p>                    | <p>80%</p> <p>90%</p>  |
| <p><b>9. Standards on service trouble report rate</b><br/> The number of service trouble reports for every 1000 lines shall not exceed 500 reports over 12 month period.</p>   |                        |

**Nigeria-**

**Table 6: QoS Standards for Cellular Mobile Telephone Service**

| <u>QoS Parameter</u>   | <b>Benchmark</b>   |
|--|--|
| <b>Account Complaint</b>   |  |
| <b>1. Account complaint rate</b>   | <b>Ten complaints to every one million bills/accounts</b>  |
| <i>== The Complaint ==</i>   | <i>== Target Resolution time</i>   |
| a. Charging for line rental at incorrect rate.                           | = 5 days   |
| b. Charging for calls/SMS messages at incorrect Rates or more than once. | = 1 Hour   |
| c. Charging for services not rendered.                                   | = 24 Hours   |
| d. Charging for uncompleted / unsuccessful calls / SMS                   | = 1 Hour   |
| e. Charging for calls beyond their Durations                             | = 24 Hours   |
| f. Failed attempts to load recharge payments.                            | a. = 3 Hours for network related faults<br>(NB. Except for exceptional circumstances that have been made public each time within 1 hour of occurrence of the |

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|  | <p>failure in the affected area. Each failure in this category that has taken greater than 48 hours to resolve must formally and specifically be communicated to the Commission)</p> <p>b. = 30 Minutes for software related faults(anything beyond 1 hour will attract penalty)</p> |
| g. System failure at Contact Centers inhibiting bill payments  | = 30 Minutes   |
| h. Failed attempts to check/determine the account balance.   | = 30 Minutes   |
| i. Failed attempts to check/determine the account balance  | = 1 Hour   |
| j. Losing credited amounts from the account  | = 30 Minutes   |
| k. Miscellaneous complaint resolution time   | = 48 Hours   |
| l. Time for recharge/bill payments to Reflect on the account.  | = 1 Hour   |
| m. Number of complaints per day related to:<br>i. Wrongly cleared balance<br>ii. Wrong IVR message<br>iii. Failed attempts to determine the account balance<br>iv. Failure to provide agreed content | = 10 <i>Complaints</i>   |
| n. Number of complaints per month related to incorrect settings by local operator leading to inhibition of two-way communication while roaming Internationally.                                      | = 10   |
| o. Time for recharge/bill payments to reflect on the account   | = 1 Hour   |
| <p><b>2. Disconnection</b><br/>Disconnection complaint resolution Time</p> <p><b>I. Post paid</b></p>  | <p>(a) There should be (i) a text notice after reaching 75% of credit limit, (ii) On reaching 100% of credit limit a constant. IVR notice of credit expiry</p>   |

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|  | <p>remains ON for the next 1 week, after which the Operator is at liberty to allow/disallow outgoing calls until debt is settled.</p> <p>(b) If there is dispute, resolution time = 24 Hours</p> <ul style="list-style-type: none"> <li>• 1/30th of average monthly spending should be allowed for out-going calls to be used by the customer within the dispute resolution time.</li> </ul>  |
| <p><b>II. Pre-paid</b></p>   | <ul style="list-style-type: none"> <li>➤ A Subscriber line may be deactivated if within six (6) months it has not been used for a Revenue Generating Event (RGE).If the situation persists for another 6months the subscriber may lose his/her number.</li> <li>➤ Monies left in accounts on deactivation can be claimed by subscribers once proof of ownership can be established at any given time.</li> <li>➤ Deduction of Line rental-charge (if any) is regarded as an RGE.</li> <li>➤ A Subscriber with a proof of good reason for absence is at liberty to request for line-Parking</li> </ul> |
| <p>Number of complaints received by the Operator/NCC's Consumer Affairs Bureau with respect to the Operator's inability to meet I and II</p> | <p>=10/1million subscribers</p>   |
| <p><b>3. Customer Help Lines</b><br/><b>a. Call centre</b></p>   | <ul style="list-style-type: none"> <li>• Maximum number of call-attempts before connecting to Customer Care Lines should not be more than three (3) times;</li> </ul>   |

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|  | <ul style="list-style-type: none"> <li>• Maximum number of rings before a call is answered by either an IVR machine or a live agent should not be more than five (5); and</li> <li>• Where a customer decides to speak to a live agent, the maximum duration allowable on the queue should be 5 minutes before answer.</li> <li>• In exceptional cases where live agent may be unavailable within 5 minutes to answer the call, a customer should be given an Option of hanging up to be called back within a maximum time of 30minutes.</li> </ul> |
| b. Customer care lines that can be accessible through other networks   | = 1 free access number  |
| <b>4. Interface center</b><br>Waiting time to be physically attended to by relevant staff at customer care centers | = 10 minutes  |
| <b>5. Network Performance</b>  |   |
| 1. BH Call setup success rate  | 98% of attempted calls<br>(1&2)   |
| 2. BH Call Completion rate   |   |
| 3. BH Call setup time  | = 4 Seconds national<br>= 6 seconds international   |
| 4. BH Location update success rate   | = 98% of attempts   |
| 5. BH Paging success rate  | = 95% of attempts   |
| 6. BH Dropped Calls Rate   | = 2%  |
| 7. BH Traffic Channel (TCH) Congestion<br>(To be measured at BSC level)  | = 2%  |
| 8. BH SDCCH Congestion (to be  | = 0.2%  |

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| measured at BSC and cell levels)  |   |
| 9. BH Hand Over Success Rate at all Levels  | = 99%   |
| 10. BH Interconnect Circuit (PoI) Congestion  | = 1%  |
| 11. a. BH HLR, VLR, BSC, MSC capacity utilization<br>b. BH Processor Loading<br>c. BH Erlang Utilization/cell | =60%  |
| 12. No. of Interconnect points per Licensing Region (Standalone or Shared)                                    | = 1   |
| 13. Interference protection ratio   | Co-channel C/I =9dB<br>Adjacent channel C/I =-9dB   |
| 14. Resolution time of any CIC mismatch or life-time of any CIC mismatch                                      | = 1 Hour  |
| 15. Resolution time of BTS faults impacting on traffic  | = 2.5hrs Rural<br>= 1.5hrs Urban<br>Exceptional circumstances such as late night failures in difficult locations must be announced via electronic media covering such location, within 2hrs |
| 16. Resolution time of BSC faults impacting on traffic  | = 1 Hour  |
| 17. MSC-in-pool redundancy  | 30%   |
| 18. Resolution time of MSC faults impacting on traffic  | = 10 Min  |
| 19. Time to repair other failures that affects traffic  | = 3 hours   |
| 20. Maximum time for transmission/physical link outage  | = 2 Hours   |
| 21. Service coverage in cities/towns  | Out-door = -75 dBM<br>In-door = -85 dBM<br>In-vehicle = -95 dBM   |
| 22. Percentage of radio links with space as well as Frequency diversity                                       | = 60%   |

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| 23. BH Congestion on trunks  | = 0.2%  |
| 24. Redundancy on transmission links   | Must conveniently handle 100% of the primary link Capacity                      |
| 25. Compression ratio  | =1:4  |
| 26. Conversational voice quality on ON -NET Calls  | MOS = 3.8 on the MOS scale<br>SQI = 26  |
| 27. Speech encoding  | Full-Rate (FR), Enhanced FR, or AMR   |
| 28. BH SMS delivery success rate for handsets that are ON and in the service area  | = 99% of attempts   |
| 29. SMS end-to-end delivery time   | 5 seconds for number "A" and number "B" switched ON and within the service area |
| 30. Number of complaints per day related to any of the following<br>a. One-way/two-way loss of audio<br>b. Cross-talk<br>c. Call misdirection to unintended number<br>d. Voice quality | = 50 per day  |
| 31. Number of complaints per day in respect of Network-related blocking of incoming calls  | = 5   |
| 32. Number of complaints per day related to inability to meet SMS/MMS end-to-end delivery time threshold   | = 10  |
| 33. Voice-mail related complaints per day  | = 2   |
| 34. Acknowledgement of delivery of all SMS/MMS/IMS messages sent   | = 100% unless deactivated by subscriber   |
| 35. Cost information for all completed calls or RGE via text to the consumer   | = 100% within 5 minutes of hang-up unless deactivated by subscriber             |
| 36. Circuit Switched Data Services (CDS)   | Upstream data rate = 95% of the datarate agreed with                            |

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|  | consumer, at BH<br>Downstream data rate = 95% of the data rate agreed with consumer, at BH   |
| 37. Packet Switched Data Services (PDS)  | Upstream data rate = 95% of the data rate agreed with consumer, at BH<br>Downstream data rate = 95% of the data rate agreed with consumer, at BH |
| 38. Compensation for hours of data Services not rendered   | At least 100% of loss in supply time   |
| <ul style="list-style-type: none"> <li>➤ Contention Ratio</li> <li style="padding-left: 20px;">Committed Rate</li> <li style="padding-left: 20px;">Maximum Data Rate</li> <li>➤ End-to-End Throughput</li> <li>➤ Data rate of each link from end-to-end</li> <li>➤ Data rate of slowest link (bottleneck)</li> <li>➤ Permissible Download data-size per billing period without additional charge on the plan.</li> </ul> | Must be specified in the contract  |

**Table 7: QoS Standards for Basic Telephone Service**

| <u>QoS Parameter</u>                    | <u>Benchmark</u>                                |
|---|---|
| Account Complaint rate                  | <b>=3% of customers in the reporting period</b> |
| Account Complaint resolution time       | <b>=15 working days for the mean</b>            |
| Disconnection complaint rate            | <b>=2% of customers in the reporting period</b> |
| Disconnection complaint resolution time | <b>=1 working day for the mean</b>              |
| Miscellaneous complaint rate            | <b>=2% of customers in the reporting period</b> |
| Miscellaneous complaint resolution time | =3 working days for the mean                    |

|                                  |   |
|----------------------------------|---|
| Fault report rate                | <b>=4% of customers in reporting period</b>       |
| Fault repair time                | <b>=2 working days for the mean</b>               |
| Service supply time              | <b>=5 working days for the mean</b>               |
| Call centre answer success ratio | <b>=98% of successful call centre call setups</b> |
| Call centre answer time          | <b>=30 seconds for the mean</b>                   |
| Call setup success ratio         | <b>=90% of attempted calls</b>                    |
| Listening voice quality          |   |
| Speech sample transmission time  |   |

**Table 8: QoS Standards for Broadband Service**

| <b><u>QoS Parameter</u></b>             | <b>Benchmark</b>                         |
|---|--|
| Account Complaint rate                  | =3% of customers in the reporting period |
| Account Complaint resolution time       | =15 working days for the mean            |
| Disconnection complaint rate            | =2% of customers in the reporting period |
| Disconnection complaint resolution time | =1 working day for the mean              |
| Miscellaneous complaint rate            | =2% of customers in the reporting period |
| Miscellaneous complaint resolution time | =3 working days for the mean             |
| Fault report rate                       | =4% of customers in reporting period     |
| Fault repair time                       | =2 working days for the                  |



|  |                              |
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|  | mean                         |
| Service supply time                      | =3 working days for the mean |
| Internet data transmission success ratio |                              |
| Internet data transmission time          |                              |
| Internet data transmission capacity      |                              |

### **Turkey-**

The Quality of Service Standards followed in Turkey are:

#### **i. Supply Time for Initial Connection**

Supply Time for Initial Connection shall mean the duration from the instant of a valid service order being received by an operator to the instant a working service is made available for use. This duration is measured as elapsed days. Fixed telephone operators which have significant market power shall provide the below data related with Supply Time for Initial Connection to Authority:

- a) The times by which the 95 % and 99 % of orders are completed,
- b) Percentage of orders completed by the date agreed with the customer.

#### **ii. Faults Rate Per Access Line**

Faults Rate Per Access Line shall mean the ratio of total number of valid faults reported by users originating from disrupted or degraded services attributable to the network of the service provider to the total access lines. Fixed telephone operators, which have significant market power, shall provide the ratio of Faults Rate Per Access line to Authority.

#### **iii. Fault Repair Time**

Fault Repair Time shall mean, the duration from the instant a fault has been notified by the customer to the instant when the service has been restored to normal working order. This duration is measured as elapsed

hours. Fixed telephone operators which have significant market power shall provide the below data related with Fault Repair Time to Authority:

- a) The time by which 80% and 95% of valid faults on access lines are repaired,
- b) The time by which 80% and 95% of all other valid faults are repaired.

**iv. Unsuccessful Call Ratio**

An unsuccessful call shall mean a call attempt to a valid number, properly dialed following dial tone, where neither called party busy tone, nor ringing tone, nor answer signal, is recognized on the access line of the calling user within 30 seconds from the instant when the address information required for setting up a call is received by the network.

Unsuccessful call ratio is defined as the ratio of unsuccessful calls to the total number of call attempts in a specified time period. Fixed telephone operators which have significant market power shall provide the below data to Authority:

- a) The percentage of unsuccessful calls for national calls,
- b) The percentage of unsuccessful calls for international calls,
- c) The number of observations performed for each value and the time period of observation.

**v. Call Set Up Time**

The call set up time shall mean the period starting when the address information required for setting up a call is received by the network and finishing when the called party busy tone or ringing tone or answer signal is received by the calling party. This duration is measured as elapsed seconds. Fixed telephone operators which have significant market power shall provide the below data to Authority:

- a) The mean value of set up time for national calls,
- b) The time which 95% of national calls are set up,
- c) The mean value of set up time for international calls,

- d) The time which 95% of international calls are set up,
- e) The number of observations performed for national and international calls which are not categorized as unsuccessful and the time period of observation.

**vi. Response Time for Operator Services**

Response Time for Operator Services shall mean the duration from the instant when the address information required for setting up the network, to the instant the operator, receives a call answers the calling user to provide the service requested. This duration is measured as elapsed seconds. Services provided wholly automatically by voice response systems and the access to emergency services is excluded.

Fixed telephone operators which have significant market power shall provide the below data to Authority:

- a) Mean time to answer,
- b) Percentage of calls answered within 20 seconds.

**vii. Response Time for Directory Enquiry Services**

Response Times for Directory Enquiry Services shall mean the duration from the instant when the address information required for setting up a call is received by the network to the instant the human operator or an equivalent voice-activated response system answers the calling user to provide the number information requested. This duration is measured as elapsed seconds.

Fixed telephone operators which have significant market power shall provide the below data to Authority:

- a) Mean time to answer,
- b) Percentage of calls answered within 20 seconds.

**viii. Public Pay-Telephones**

The ratio of public pay-telephones in full working order shall mean the ratio of total number of working order pay-telephones divided to the total number of pay telephones.

A working order pay-telephone means that the telephone is in full working order for 24 hours

Fixed telephone operators which have significant market power shall provide the below data to Authority:

- a) The ratio of public pay-telephones in full working order,
- b) The number of observations performed and the time period of observation.

**ix. Bill Complaints**

A bill complaint shall mean an expression of complaint received from a subscriber about the correctness of the bill. The bill complaints ratio shall mean the proportion of bills in total number of bills resulting in a customer complaining about the correctness of a given bill.

Fixed telephone operators, which have significant market power, shall provide the service based bill complaints ratios to Authority.

## **LIST OF ACRONYMS**

|    |        |   |
|----|--------|---|
| 1  | ADR    | Alternative Dispute Resolution  |
| 2  | AMR    | Adaptive Multi Rate   |
| 3  | BASP   | Broadband Access Service Provider   |
| 4  | BH     | Busy Hour   |
| 5  | BSC    | Base Station Controller   |
| 6  | BT     | British Telecom   |
| 7  | CBD    | Central Business District   |
| 8  | CIC    | Circuit Identification Code   |
| 9  | C/I    | Carrier to Interference Ratio   |
| 10 | ComReg | Commission for Communication Regulation   |
| 11 | CUTCEF | Committee for Utilisation of Telecommunication Consumers' Education and Protection Fund |
| 12 | DoT    | Department of Telecommunication   |
| 13 | ESA    | Endpoint Service Availability   |
| 14 | EU     | European Union  |
| 15 | FTP    | File Transport Protocol   |
| 16 | GoS    | Grade of Service  |
| 17 | ICMP   | Internet Control Message Protocol   |
| 18 | IDA    | Infocomm Development Authority  |
| 19 | IGSP   | Internet Gateway Service Provider   |
| 20 | IMS    | IP Multimedia Subsystem   |
| 21 | ISP    | Internet Service Provider   |
| 22 | IVR    | <b><i>Interactive Voice Response</i></b>  |
| 23 | IX     | Internet Exchange   |
| 24 | MMS    | Multimedia Messaging Service  |
| 25 | MOS    | Mean Opinion Score  |
| 26 | MRTG   | Multi Router Traffic Grapher  |
| 27 | MSC    | Mobile Switching Centre   |
| 28 | NAP    | Network Access Protection   |

|    |       |                                       |
|----|-------|---------------------------------------|
| 29 | NCC   | Nigerian Communications Commission    |
| 30 | NIXI  | National Internet Exchange of India   |
| 31 | PoI   | Point of Interconnection              |
| 32 | PSTN  | Public Switched Telephone Network     |
| 33 | QoS   | Quality of Service                    |
| 34 | RGE   | Revenue Generating Event              |
| 35 | SDCCH | Stand Alone Dedicated Control Channel |
| 36 | SIM   | Subscriber Identity Module            |
| 37 | SMS   | Short Message Service                 |
| 38 | SQI   | Speech Quality Index                  |
| 39 | TCBH  | Time Consistent Busy Hour             |
| 40 | TCH   | Traffic Channel                       |
| 41 | TCP   | Transmission Control Protocol         |
| 42 | VAS   | Value Added Service                   |

