



TELECOM REGULATORY AUTHORITY OF INDIA



E-NEWSLETTER FOR TRAI REGISTERED CONSUMER ORGANISATIONS FOR AUGUST, 2018



Chairman TRAI as a moderator “Digital Identity across different Platforms- can this help achieve the SDGs and foster inclusion for all” at Geneva

1. Recommendations

1.1 TRAI's Response dated 20th July, 2018 to DoT's back-reference on Recommendations on 'Ease of doing Telecom Business dated 30th November 2017'

Through their letter dated 6th June 2018, DoT has sent back-reference on TRAI's Recommendations on 'Ease of Doing Telecom Business'. DoT has referred back following three recommendations:-

a) 15 days timeline for grant of Demonstration Licence (as recommended by TRAI) may be increased to 30 days.

b) The Experimental (radiating) licence may initially be issued for three months (instead of 6 months recommended by TRAI) extendable by another six months.

c) DoT agreed with the TRAI recommendation that if a transferor company holds a part of spectrum, which (4.4 MHz/2.5 MHz) has been assigned against the entry fee paid, the transferee company/ resultant entity should be liable to pay the differential amount for the spectrum assigned against the entry fee paid by the transferor company from the date of written approval of transfer/merger of licences by DoT and not from the date of NCLT approval. However, it proposed that DoT will initially raise demand upon transferee of One Time Spectrum Charges (OTSC), from the date of NCLT approval, with a stipulation that such demand is subject to revision after the grant of approval of transfer of licenses by DoT. The demand of OTSC will be recalculated based upon the date of grant of approval. Excess amount paid, if any, will be refunded back to the transferee/set off against other dues

After examining the comments of DoT, TRAI in its response of 20.07.2018 re-emphasized its views with regard to point (a) and (b). TRAI, though, agreed with DoT's views on point (c) above.

1.2 Recommendations on "Method of allocation of spectrum for Public Mobile Radio Trunking Service (PMRTS), including auction, as a transparent mechanism" dated 20th July 2018

PMRTS is a well proven niche market service having its unique capability of communication instantly within the closed user group (CUG). The service has found its growing prominence in all critical infrastructure sectors such as Manufacturing, Oil & Gas, Mining, Construction, Courier, Emergency Medical Services, Utilities, Transportation (Road, Airports, Harbours), Energy & Communication apart from the utility for rescue and relief during emergency situation. In the past, as an alternative, PMRTS has been often used for communications by agencies involved in protection of life and property, disaster relief and emergency responses.

Following a reference from DoT seeking TRAI recommendations on the matter, TRAI had issued a consultation paper on the subject on 08.02.2018.

3. After considering the comments received from the stakeholders and further analysis, TRAI forwarded its recommendations on the above subject to the

Government on 20th July 2018. The salient features of the recommendations are given below:

- The existing Licensed Service Area (LSA) based authorization criteria for a period of 20 years for PMRTS license should continue.
- Taking into consideration factors viz. PMRTS market conditions; spectrum demand and supply; the assignment of spectrum for PMRTS should be made administratively on the basis of demand.
- In order to promote efficient use of spectrum, the existing cap on the number of PMRTS handsets per channel that can be imported, should be removed.
- Carrier size for assignment to PMRTS licensee (both for analog or digital) shall be 6.25 KHz and multiples of 6.25 KHz.
- Carriers (frequency pairs) of 25 KHz already assigned to the service providers should be allowed to be retained by the service providers and additional assignment of carriers for the existing analogue system shall continue @ carrier size of 25 KHz (counted as 4 carriers of 6.25 KHz each).
- Assignment in new cities / Service Areas shall be made for digital systems only.
- Initially for each city, twelve carriers (frequency pairs) of carrier size 6.25 KHz in metro licensed service area and eight carriers (frequency pairs) in non-metro license service area shall be assigned for PMRTS (Digital system) depending on the availability.
- The Royalty charges for the PMRTS on an yearly payment option shall be Rs.1200/- per year per 6.25 KHz channel for link distance upto 30 Km and Rs.2400/- per year per 6.25 KHz channel for link distance upto 60 Km.
- The PMRTS providers shall also have an option of onetime upfront payment of Royalty charges.
- The Spectrum Usage Charge (SUC) for the spectrum allocated to PMRTS provider shall be levied @ 1% of AGR and while determining the AGR for the purpose of levy of license fee and SUC, the revenue from sale of handsets (the cost of which is separately identifiable) shall be allowed as deduction from the GR of PMRTS for the purpose of levy of licence fee. An overall combined spectrum cap of 35% in a LSA on the spectrum identified and available for assignment to PMRT Services, as per provision of NFAP-2011, shall be applicable to PMRT licensee.
- In order to make the spectrum available for Broadband-Public Protection Disaster Relief (BB-PPDR) networks, existing PMRTS assignments in the band 814-819/859-864 MHz should be refarmed and further accommodated in the 811-814/856-859 MHz band. The refarming process should be completed within a period of two years.
- The agencies handling PPDR networks who have been operating in the band 806-824 MHz paired with 851-869 MHz should be confined to and accommodated in the proposed PPDR network for which the assignment of spectrum is proposed in 814-824/859-869 MHz sub-band.
- Upon reframing the bands mentioned above, the sub-band 806-811/851-856 MHz should be made available both for PMRTS and CMRTS on need and justification basis.
- Allocations of the frequencies in the sub-band 338-340/348-350 MHz shall be predominantly considered for PMRTS. Provisions for allocation in sub-

band 351-358/361-368 MHz and 380-389.9/390-399.9 MHz shall remain unchanged.

1.3 Recommendations on “Privacy, Security and Ownership of Data in the Telecom Sector”

Telecom Regulatory Authority of India (TRAI) has issued Recommendations on “Privacy, Security and Ownership of Data in the Telecom Sector” on 16th July, 2018.

2. The recommendations made by the Authority are as follows:

- (a) Each user owns his/ her personal information/ data collected by/ stored with the entities in the digital ecosystem. The entities, controlling and processing such data, are mere custodians and do not have primary rights over this data.
- (b) A study should be undertaken to formulate the standards for anonymisation/de-identification of personal data generated and collected in the digital eco-system.
- (c) All entities in the digital ecosystem, which control or process the data, should be restrained from using Meta-data to identify the individual users.
- (d) The existing framework for protection of the personal information/ data of telecom consumers is not sufficient. To protect telecom consumers against the misuse of their personal data by the broad range of data controllers and processors in the digital ecosystem, all entities in the digital ecosystem, which control or process their personal data should be brought under a data protection framework.
- (e) Till such time a general data protection law is notified by the Government, the existing Rules/ license conditions applicable to TSPs for protection of users’ privacy be made applicable to all the entities in the digital ecosystem. For this purpose, the Government should notify the policy framework for regulation of Devices, Operating Systems, Browsers, and Applications.
- (f) Privacy by design principle coupled with data minimization should be made applicable to all the entities in the digital ecosystem viz, Service providers, Devices, Browsers, Operating Systems, Applications etc.
- (g) The Right to Choice, Notice, Consent, Data Portability, and Right to be forgotten should be conferred upon the telecommunication consumers.
- (h) In order to ensure sufficient choices to the users of digital services, granularities in the consent mechanism should be built-in by the service providers.
- (i) For the benefit of telecommunication users, a framework, on the basis of the Electronic Consent Framework developed by MeitY and the master direction for data fiduciary (account aggregator) issued by Reserve Bank of India, should be notified for telecommunication sector also. It should have provisions for revoking the consent, at a later date, by users.
- (j) The Right to Data Portability and Right to be Forgotten are restricted rights, and the same should be subjected to applicable restrictions due to prevalent laws in this regard.
- (k) Multilingual, easy to understand, unbiased, short templates of agreements/ terms and conditions be made mandatory for all the entities in the digital eco-system for the benefit of consumers.

- (l) Consumer awareness programs be undertaken to spread awareness about data protection and privacy issues so that the users can take well informed decisions about their personal data.
- (m) Data Controllers should be prohibited from using “pre-ticked boxes” to gain users consent. Clauses for data collection and purpose limitation should be incorporated in the agreements.
- (n) Devices should disclose the terms and conditions of use in advance, before sale of the device.
- (o) It should be made mandatory for the devices to incorporate provisions so that user can delete pre-installed applications if he/she so decides. Also, the user should be able to download the certified applications at his/ her own will and the devices should in no manner restrict such actions by the users.
- (p) Department of Telecommunications should re-examine the encryption standards, stipulated in the license conditions for the TSPs, to align them with the requirements of other sector regulators.
- (q) To ensure the privacy of users, National Policy for encryption of personal data, generated and collected in the digital eco-system, should be notified by the Government at the earliest.
- (r) For ensuring the security of the personal data and privacy of telecommunication consumers, personal data of telecommunication consumers should be encrypted during the motion as well as during the storage in the digital ecosystem. Decryption should be permitted on a need basis by authorized entities in accordance to consent of the consumer or as per requirement of the law.
- (s) All entities in the digital ecosystem including Telecom Service Providers should be encouraged to share the information relating to vulnerabilities, threats etc in the digital ecosystem/ networks to mitigate the losses and prevent recurrence of such events.
- (t) All entities in the digital ecosystem including Telecom Service Providers should transparently disclose the information about the privacy breaches on their websites along with the actions taken for mitigation, and preventing such breaches in future.
- (u) A common platform should be created for sharing of information relating to data security breach incidences by all entities in the digital ecosystem including Telecom service providers. It should be made mandatory for all entities in the digital ecosystem including all such service providers to be a part of this platform.
- (v) Data security breaches may take place in-spite of adoption of best practices/ necessary measures taken by the data controllers and processors. Sharing of information concerning to data security breaches should be encouraged and incentivized to prevent/ mitigate such occurrences in future.

2. Regulations

2.1 TRAI issues “The Telecommunication Interconnection (Amendment) Regulations, 2018”.

The Telecom Regulatory Authority of India (TRAI) has issued “The Telecommunication Interconnection (Amendment) Regulations, 2018” on **5th July, 2018** which prescribes amendment in Regulations 6, 8 & 9 of the

“Telecommunication Interconnection Regulations, 2018” issued by TRAI on 01.01.2018.

2. The main amendments in the Regulations are as follows:
 - a) A service provider may request the other service provider for additional ports at a POI, if the projected utilisation of the capacity of such POI at the end of sixty days from the date of placing the request, is likely to be more than eighty-five percent and such projected utilization of the capacity of POI shall be determined on the basis of the daily traffic for the preceding sixty days at the POI during busy hour: Provided that the service provider shall request for such number of additional ports which is likely to bring the utilization of the capacity of such POI, at the end of sixty days from the date of making request, to less than seventy-five percent.
 - b) The time-frame for provisioning of ports for initial interconnection and augmentation of ports at POIs is increased to 42 working days.
 - c) Every service provider shall provide to the interconnecting service provider, at interval of every six months, its forecast of busy hour outgoing traffic, for the succeeding six months, at each POI and the first such forecast shall be provided within sixty days of the commencement of the Telecommunication Interconnection (Amendment) Regulations, 2018 and thereafter on the 1st April and 1st October every year.
 - d) The port charges and infrastructure charges, for all ports provided before the 1st February, 2018 shall continue to be payable as per the terms and conditions which were applicable to them before the 1st February, 2018.

2.2 TRAI on 19.07.2018 notified Telecom Commercial Communication Customer Preference Regulation, 2018 that is proposed to curb the problem of Unsolicited Commercial Communication (UCC).

The main features of the framework are:

- a. Registration of senders (businesses and telemarketers)
- b. Registration of Headers
- c. Registration of subscribers' consent
- d. Message template
- e. Fine-grained control over preferences

The salient features of the regulation are:

- a) Adoption of Distributed Ledger Technology (or blockchain) as the Reg Tech to ensure regulatory compliance while allowing innovation in the market.
- b) Co-regulation where Telecom Service Providers/ Access Providers establish and arrange the framework, which is legally backed by regulation.
- c) Enabling compliance through innovation in technology solutions that are demonstrated in a regulatory sandbox.

2.3 TRAI on 31.07.2018 notified The Standards Of Quality Of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Sixth Amendment) Regulations, to specify parameters and benchmarks for packets dropped or lost in cases of Voice over LTE (VoLTE) Calls.

Where service providers have launched LTE networks and are providing Voice over LTE (VoLTE), it was observed that instances of pauses or mute of voice were being experienced by the users during conversation while voice call continued. Such instances of mute were mainly due to drop or loss of voice packets in the networks. It was found that in case of LTE networks, it is appropriate to observe drop or loss of packets in terms of Packet Data Convergence Protocol (PDCP) Service Data Units (SDUs).

Packet drops may be observed on downlink as well as on uplink. It was decided to specify two additional parameters namely QoS Downlink PDCP SDUs Drop Rate (DL-PDR) and Uplink PDCP SDUs Drop Rate (UL-PDR). Less than equal to 2% is set as benchmarks for both the parameters. These parameters are to be reported as part of QoS Periodic Monthly Report from the quarter starting from 1st October 2018.

3. Tariff Orders/Directions

3.1 TRAI issued Directions on Quality of Service (QoS) for Voice Calls for LTE users via Circuit Switched Fall Back (CSFB) option on 31.07.2018 to mandates the cellular mobile telephone service providers, to conduct tests, collect data and report to TRAI on regular basis.

The salient features of the directions are:

- (a) To measure call set up delay for mobile originating and terminating calls on sample basis in the networks where LTE has been launched but Voice over LTE (VoLTE) is yet to be launched.
- (b) Measurements are to be taken by the access providers in every quarter of the year and reported to TRAI. Measurements to be made in various locations of the identified cities or districts in the service area.
- (c) Service providers are required to conduct such tests on at least 20 locations in each identified cities or districts. At least 5 cities or districts are to be identified for carrying out these tests.

4. Press Note

4.1 Press Note on TRAI's Regulatory framework for Broadcasting and Cable TV Sector

On **3rd July 2018**, TRAI released Press Note on TRAI's Regulatory framework for Broadcasting and Cable TV Sector, notified on 3rd March 2017. This press note kick-starts the process of implementation of the new regulatory framework for Broadcasting and cable Services provided through addressable systems , which include the Direct to Home (DTH) Systems, Cable TV Systems provided through Digital Addressable Systems (DAS), Head-end In The Sky (HITS) and Internet Protocol TV (IPTV) New Regulatory Framework w.e.f. **3rd July 2018**. The regulatory framework comprises of the following:-

- The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March 2017, as amended on 30th March 2017 [the Tariff Order 2017]
- The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [the Interconnection Regulation 2017]
- The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [the QoS Regulation 2017].

5. Other Information

5.1 Telecom Subscription Data as on 30.06.2018.

Particulars	No. of Wireless subscribers (in Millions)	No. of Wire-line Subscribers (in Millions)	No. of Total subscribers (Wireless + Wire-line) (in Millions)
Urban Subscription	633.60	19.16	652.76
Rural Subscription	512.89	3.24	516.13
Total Subscription	1146.49	22.40	1168.89
Overall Tele-density	88.00	1.72	89.72
Share of Urban Subscription	55.26%	85.55%	55.84%
Share of Rural Subscription	44.74%	14.45%	44.16%
No. of Broadband Subscribers	429.22	17.90	447.12

Active wireless subscribers on the date of Peak VLR in June, 2018 were 1000.92 million.

In the month of June, 2018, 4.11 million requests were made for MNP. Till the end of June 18, a total of 386.17 million consumers have availed MNP facility since its implementation.

5.2 Conducting of Independent Drive Tests (IDTs) :

TRAI has been regularly conducting the Independent Drive Tests (IDTs) through its appointed agency in cities, Highways and rail routes. Independent Drive Tests (IDTs) in six cities were conducted during the period 19th March 2018 to 8th May 2018, to assess the network quality provided by cellular mobile telephone service providers. The Key Performance Indicators (KPIs) were assessed for the networks of all telecom service providers operating in the region. KPIs for voice services were Coverage; Call Setup Success Rate; Drop Call Rate; Block Call Rate, Handover Success Rate; Rx Quality.

The details of IDTs are given below.-

Cities:-

- Gwalior from 19th March to 23rd March, 2018
- Kohima from 21st March to 23rd March, 2018
- Ludhiana from 9th April to 13th April, 2018
- Hyderabad from 9th April to 18th April, 2018
- Shillong from 19th April to 21st April, 2018
- Hisar from 25th April to 27th April, 2018
- Gangtok from 25th April to 27th April, 2018
- Meerut from 1st May to 5th May, 2018
- Shimla from 8th May to 10th May, 2018
- Chandigarh from 14th May to 18th May, 2018
- Srinagar from 14th May to 18th May, 2018

Detailed reports of IDTs in the above highways and rail routes are available on TRAI website namely www.traai.gov.in

6. Consumer Outreach Programmes

Consumer Outreach Programmes

1	Ranchi (Jharkhand)	05.07.2018
2	Rishikesh (Uttarakhand)	10.07.2018
3	Jalore (Rajasthan)	26.07.2018
4	Kothagudem (Telangana)	30.07.2018

PHOTO GALLERY



CoP at Ranchi (Jharkhand) held on 05.07.2018



CoP at Rishikesh (Uttarakhand) held on 10.07.2018



CoP at Jalore (Rajasthan) held on 26.07.2018



CoP at Kothagudem (Telangana) held on 30.07.2018

Full details of the Directions/Orders, Consultation Paper/Report, Subscription Data, etc mentioned in this newsletter are available on TRAI website www.trai.gov.in

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