

No.310-8(36)/2007-Eco.
Dated : 21st August, 2007

To,

All Access Service Providers

Sub. : Levying of separate charges for rectifying defects in network and visiting charges from the consumers.

One of the UASL Operators introduced tariff plans for wire-line services which involves a new feature of charging separately from the consumers on account of rectification of faults / defects / repair and visiting charges etc. for rectifying interruption in service.

The Authority has examined the tariff report proposing additional charges for rectification of defects and held that such proposals are anti-consumer and cannot be permitted, for the following reasons:-

a. As per the terms and conditions of the license issued to the service providers the responsibility for maintaining the performance and quality of service standards rests with the service providers and they must ensure an un-interrupted service with the quality standard prescribed by TRAI.

b. The terms and conditions of the license impose an obligation to provide (transmitting and receiving) uninterrupted two way speech and ensure continuity of service to its customers. The service providers are expected to maintain quality of service. The interruptions and rectifying such interruptions are matters relating to service and quality of such service and customers cannot be charged to rectify such interruptions.

c. The customer does not choose the quality of material being used in the network by the service provider and is not responsible for the bad workmanship in the cable, drop-wire, DP etc. and the customer has no say in determining the quality of the network elements.

d. There is no justification for any such charges where the up keep of the services is an integral part of the service itself. Such unjustified charges are detrimental to telecom consumers.

The Service providers are therefore advised not to offer any such plans which prescribe separate charges for rectifying the defects etc. If any such plans are under offer the same may be withdrawn forthwith and report compliance to the Authority. It may please be noted that violation of this instruction will be viewed very seriously and severe action will be taken against the service providers who are found to be offering any such plans.

The receipt of this may kindly be acknowledged.

(R.K.Arnold)
Secretary
Telecom Regulatory Authority of India