

To,  
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**TELECOM REGULATORY AUTHORITY OF INDIA**  
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**VOICE's COMMENTS ON:--**  
**TELECOMMUNICATION MOBILE NUMBER PORTABILITY (FOURTH**  
**AMENDMENT) REGULATIONS, 2012** (No. 116-5/2012-MN Dt. 3<sup>rd</sup> August, 2012)

There have been regular complaints from consumers about MNP especially w.r.t "DONOR OPERATOR" like-

1. MNP refused due to INVALID UPC
2. MNP refused due to pending dues - As per regulation 6 (b) "there are no outstanding payments due to the Donor Operator by way of pending bills, as the case may be, issued **as per the normal billing cycle but before the date of application for porting**" but even prospective dues are put forward as a reason for refusal by DONOR OPERATOR. (In case of post-paid connections though the monthly rent/charges are billed in advance, no credit is ever given for the unused period.)
3. MNP refused due to 'contractual obligation' which in many a cases is the creation of DONOR OPERATOR. In most cases when a DONOR OPERATOR receives a porting request, it tries to hold on to the subscriber by offering some additional benefits. If the subscribers agrees to cancel his porting request in the hope of getting these special benefits as promised, and feels he has not got what he was promised, there starts a dispute between the DONOR OPERATOR and the subscriber. Since no written promise exists, subscriber is always at the receiving end as-
  - a. His reason/grievance for porting in the first place have not been addressed
  - b. The deal offered by the TSP has not been fulfilled (subscriber feels cheated), and
  - c. Now he cannot port out for at least 90 days

Hence this process of trying to retain a subscriber though legitimate should be regulated.

4. There have been complaints of **timelines** not adhered to by DONOR OPERATOR as-
  - a. The no. after porting is not activated in due course for which the subscriber has to keep following up with the DONOR OPERATOR as well as RECEIVING OPERATOR because he in doubt whether his request has been accepted till his no. is activated.

- b. Many a times the no. is activated within the prescribed time limit but it is again disconnected for the expeditious reason "DOCUMENTS NOT SUBMITTED". TRAI needs to look into these instances seriously and these also should be penalized accordingly.
- c. Instances have been reported wherein Ported no. is active with DONOR OPERATOR as well as RECEIVING OPERATOR. TRAI needs to look into these instances as well which seems to be mismanagement on the part of TSPs.

#### **RECOMONDATIONS:**

- 1. Since refusal to port without valid reasons is frequent, penalties proposed are very much required and should be done. However, we at VOICE feel that subscriber being the real sufferer should also be duly compensated, may be to start with nominally by say talk-time worth Rs. 500/- to start with.**
- 2. Since for Post-Paid connections monthly charges are billed in advance, due credit should be given to the subscriber for the un-utilised period.**
- 3. Wherever DONOR OPERATOR promises some additional benefits to the subscriber for withdrawing his request for MNP, this process needs to be regulated by TRAI so that the subscriber is not cheated. In such cases the "HOLD DOWN PERIOD" of 90 days also should be reduced to 30 days so that a subscriber is not penalized for his error of judgment or believing in the promises made by the DONOR OPERATOR.**
- 4. For timelines delays penalty proposed is very much required and we are not only in agreement, we would propose that Rs. 5000/- should be the minimum penalty with Rs. 1000/- additionally should be charged for every days' delay out of which 50% should be given to the subscriber as compensation for his troubles.**
- 5. Additionally there should be a severe penalty wherever a ported no. is activated but is deactivated later giving the reason that "documents are required to be submitted again." This is nothing but harassment for the customer because ideally documents have already been submitted to the DONOR OPERATOR which should be transferred by him to the RECEIVING OPERATOR. But if the documents are required to be submitted again for porting, RECEIVING OPERATOR should verify the same before acceptance and activation.**

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27/08/2012