



Association of Unified Telecom Service Providers of India

AUSPI/12/2012/150

25th September 2012

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Sub: AUSPI's Response to the TRAI 's Draft Regulation "Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Second Amendment) Regulations, 2009 (7 of 2009) on financial disincentives

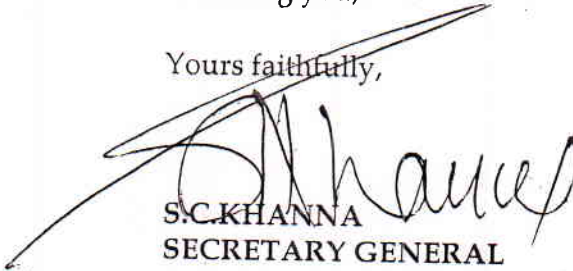
Dear Sir,

We are pleased to enclose herewith AUSPI's Response to the TRAI 's Draft Regulation on "Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Second Amendment) Regulations, 2009 (7of 2009) on financial disincentives. In this connection, we also bring to your notice our views regarding non imposition of financial disincentive as per stipulations in TRAI Act. Our joint industry views submitted to the Authority way back in the year 2009 in this regard is attached.

AUSPI requests the Authority to kindly take its views into consideration while coming out with any regulation.

Thanking you,

Yours faithfully,


S.C. KHANNA
SECRETARY GENERAL

Copy to : Shri Rajeev Agrawal, Secretary, TRAI



AUSPI'S COMMENTS ON STANDARDS OF QUALITY OF SERVICE OF BASIC TELEPHONE SERVICE (WIRES) AND CELLULAR MOBILE TELEPHONE SERVICE (SECOND AMENDMENT) REGULATIONS, 2012

1) AUSPI welcomes the opportunity extended to comment on the 2nd Amendment of The Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service.

2) Legal validity of Financial Disincentives

2.1) TRAI's proposal that TSPs should pay 'financial disincentive' in case any QoS parameter benchmark is not met does not seem to be consistent with the TRAI Act, 1997. In this connection, we invite your attention to the joint industry letter of 17th February, 2009 (copy attached for ready reference).

2.2) AUSPI is of view that TRAI powers to enforce its regulations and orders are clearly enumerated in Section 12 and 13 i.e. powers to investigate, power to seek information and power to issue Directions.

2.3) AUSPI notes that Airport Economic Regulatory Act, 2008 is similar to the TRAI Act, 1997 and even AERA like TRAI does not have any powers to impose penalties. On the other hand SEBI and CCI have clear and discernible powers relating to the imposition of penalty and adjudication of penalty as per the powers vested by the Parliament.

2.4) In view of the above, AUSPI requests the TRAI not to notify any provisions for imposition of penalty on service providers.

3) Telecom Market is competitive and thus QoS should not be Regulated

3.1) Without prejudice to our submission, AUSPI states that regulatory intervention with respect to QoS is not required as there is strong competition in the telecom market. With the introduction of MNP consumers have choice to change network even without changing his or her telephone number in case not satisfied with the QoS offered by their service provider.



3.2) **AUSPI, therefore, requests that TRAI should not mandate QoS benchmarks and there should not be any financial disincentive for not meeting benchmark.**

4) AUSPI's views on existing KPIs and Benchmarks

4.1) Unfavourable Operating Environment - The operating telecom environment has changed and operators are facing a lot of issues which are impacting operations and QoS KPIs. The major issues are as follows:-

- a) Sites not permitted in cantonment areas, Hospitals & Schools. These coverage gaps/weak coverage areas results in call drops and also impact other KPIs like Voice quality due to call dragging.
- b) Mobile radiation Issues resulting in sites being removed causing coverage gaps as well changes in EMF norms.
- c) Frequent Fibre cut causing outages due to expansion of the National Highways. Lack of reliable electric supply in most of the rural towns for 2-18 hrs and in most of the circles etc and due to high timing advances with no neighbouring site for call hand off.

These have an adverse effect on the quality of the network & degrade the QoS.

4.2) Due to many adverse operating environment issues, AUSPI suggests that present benchmarks for QoS KPI's should be revised or else exclusions for events beyond the control of operators should be taken into consideration for calculation of KPIs.

AUSPI has suggestions on revised bench mark and list of Exclusions are at **Annex-1 and 2 respectively.**

Proposed Changes to QoS KPI Benchmarks:-

Sr. No	Parameter	Present Benchmark	Proposed Benchmark
A	Network Service Quality Parameters:		
(i)	Network Availability		
	(a) BTSs Accumulated downtime (not available for service)	≤ 2%	<5%
	(b) Worst affected BTSs due to downtime	≤ 2%	<5%
(ii)	Connection Establishment (Accessibility)		
	(a) Call Set-up Success Rate (within licensee's own network)	≥ 95%	No change
	(b) SDCCH/ Paging Channel Congestion	≤ 1%	No change
	(c) TCH Congestion	≤ 2%	<4%
(iii)	Connection Maintenance (Retainability)		
	(a) Call Drop Rate	≤ 2%	<4%
	(b) Worst affected cells having more than 3% TCH drop (call drop) rate	≤ 3% (From 01.04.2011)	May be removed from QoS as already monitored at Busy Hour
	(c) connections with good voice quality	≥ 95%	No change
(iv)	Point of Interconnection (POI) Congestion (on individual POI)	≤ 0.5%	No change

Note: KPI mentioned at A (iii) (b) - Worst affected Cells having more than 3% call drop is a BBH KPI and most single town Rural sites may not meet the KPI benchmark due to high Timing Advance (calls at high distance from site) and no neighbour site to hand off the call. In view of this , the KPI may be dropped for reporting.



Annex-2

LIST OF EXCLUSIONS

1. Force majeure & Natural calamities
2. Impact due to Law & order issues like curfews, bandhs, etc
3. Objection in running sites (including access related issues) due to public issues like Radiation related health hazard, etc
4. Failures caused by major power grid failures
5. Impact due to fibre cuts and other disruptions caused by ongoing infrastructure improvement projects like National Highway expansion, Water supply improvement programs, etc
6. Impact because of persisting external radio interference, even after escalation to concerned authorities
7. Repeated theft at sites even after logging complaints with law enforcement agencies like Police, etc
8. Impact due to coverage restrictions requirement at international borders

Events beyond operators' control