

To

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**Sub:** Response to Consultation Paper on Review of Quality-of-Service Standards for Access Services (Wireless and Wireline) and Broadband Services (Wireless and Wireline)

Dear Sir,

At first, we would like to thank the Authority for the subject mentioned consultation paper, with respect to the comments sought by the Authority on the Draft Regulation in Chapter-3 and Measurement Methodology in Chapter-5. We submit our response in the format provided as a Wired Internet Service Provider.

S. No	Chapter No	Regulation No	Proposed provision in the consultation Paper	Suggested Modification	Justification
1	3	3(i)	Provision of service within 7 days of payment of demand note by the applicant	Provision of service within 10 working days of payment of demand note by the applicant.	In a Fixed Line Broadband service, the OFC will have to be physically drawn to the building/premises of the customer. There will be scenarios where the connection may be technically feasible, while the same may still involve installation of a last mile network switch, constraints, and permission issues in drawing the last mile cable to the premises of the customer. Further, as a wired ISP, we will have to take care of safety related aspects as to how the last mile cable is getting routed etc.,

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					<p>Further, when services are being provided to a Gated community, there is different set of challenge such as adhering to structured internal wiring, permission issues etc., that needs to be completed. Hence, prescribing reduced time frame of 7 days from the date of payment is highly impractical.</p> <p>The existing QOS regulations prescribes 15 working days' time. Given the ROW and the supply side issues that are there in establishing a Fixed Line Broadband network, we request the Authority to make it 10 working days' time.</p> <p>Further the proposed regulation has not prescribed any exceptions which are available under the existing QOS regulations and the same may duly be retained.</p> <p><b><u>Exception available under the subsisting QOS regulations may duly be extended:</u></b></p> <p><i>Technically Non-Feasible (TNF) cases such as unavailability of Broadband infrastructure/ equipment in the Area or Spare Capacity i.e. Broadband Ports including equipment to be installed at the customer premises for activating Broadband connection shall be excluded from the calculation of this parameter. Also, problems relating to customer owned equipment such as PC, LAN Card/USB Port and internal wiring or non-availability of such equipment shall be excluded from the calculation of this parameter.</i></p>
2	3	3(ii)	Fault incidences (No. of faults per 100 subscribers per month)	<i>We request for removal of this parameter. As the benchmark prescribed by the</i>	<p>We submit that this Parameter is never part of the current QOS regulations and has been introduced afresh.</p> <p>we request the Authority not to introduce this parameter to Broadband service providers for the following reasons:</p>

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				<p><i>Authority (i.e., &lt;=5) is practically far fetched from the ground reality.</i></p>	<ul style="list-style-type: none"> <li>• A Fixed Line Broadband network is susceptible to many issues such as cable cuts, relocation of cable, force majeure events such as cyclone, flood, intentional cable cuts by miscreants and LCOs etc., which contribute to rise in faults incidences and are beyond the scope and control of a service provider.</li> <li>• Fixed Line Broadband framework in the country is still in a nascent stage and has been making very slow inroads. When the network is slowly expanding there will be incidences of faults and introducing a parameter on fault incidence will be highly detrimental to Fixed line Broadband service providers like us.</li> <li>• It is also important to take note that the network of a wired ISP network is predominantly overhead in the country, and it is always susceptible external factors detailed above. Further, the Authority while explaining the measurement methodology for this parameter has mentioned that ROW permission framework is streamlined and in place. It needs to be noted that while the Department of Telecommunications has issued the Indian Telegraph Right of Way Rules in 2016 with amendments till 2023, the same has not been adopted in letter and spirit by all the state governments who are the actual authority who need to issue ROW permission to service providers like us and the problem still looms at large. Even as on date, there are quite a few state governments who do not have a ROW policy in place and even if an ROW policy has been adopted, the same is not in line with the Indian Telegraph</li> </ul>

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					<p>Right of Way Rules in 2016 and its amendments issued till 2023.</p> <p><b><i>We further request that even if the authority decides to track this parameter, the same may be kept out of purview of levy of financial disincentive.</i></b></p> <p>Hence, fixing a benchmark of <math>\leq 5</math> faults per 100 subscribers per month is a non-starter and practically not possible. When the industry is facing huge fault repair incidences, prescribing the benchmark as <math>\leq 5</math> per 100 subscribers per month (5%) is practically not achievable. <b><i>Hence, we request the authority to prescribe the benchmark as <math>\leq 30</math> per 100 subscribers and keep this parameter out of purview of levy of financial disincentive.</i></b></p> <p>Considering the above, the focus should be on how fast a service provider can provide resolution and we request the authority not to track the fault incidences.</p> <p>Further, the Existing QOS regulations for Broadband services provides the following exceptions and the same shall also be provided for under the proposed draft regulations and any fault arising out of the following reasons shall not be counted as an incidence of fault:  <i>“Only those complaints, which have been registered till the close of the business hours of the day, will be taken into account. Complaints registered after the business hours will be taken as being registered in the next day business hours. At the same time, faults due to the customer premises equipment which is owned by customer such as computer hardware and software including LAN card/USB Ports etc.</i></p>

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					<i>shall be excluded from the measurement of performance against this benchmark, as the service provider is not directly responsible for these faults."</i>
3	3	3(xii) (a) & (b)	Accessibility of call centre/customer care	>=85%	<p>The authority has introduced this parameter of accessibility to call centre for the first time. Primarily, we are not able to understand the rationale behind prescribing two different parameters. One for accessibility and other for percentage of calls answered. We feel that both serves the same purpose and hence we request for keeping the <b>"Percentage of calls answered by operators"</b> alone will serve the purpose.</p> <p>Further, under the subsisting QOS regulations, the Authority had only monitored the percentage of calls answered by the Operators. The Authority has prescribed benchmark of &gt;=95% which is almost impossible to achieve. The subsisting regulations only prescribed &gt;=80% and when service providers are finding it difficult to cope up with the existing benchmark, increasing the same abruptly to 95% is a non-starter. We request the authority to keep it up as &gt;=85%. Which is still 5% increase over the existing benchmark.</p> <p>Further, the Authority has reasoned out under the Measurement methodology that the other avenues such as mobile applications, social media handles, chat bots etc., maintained by the service providers shall not be considered. In this regard, we request the authority to take note that most of the customers who use a wired broadband connectivity are very much aware of the usage of avenues such as mobile applications, social media, and chat bot etc., and are very tech savvy. The very aspect that they subscribe to a wired internet connectivity means that they possess the basic attribute to use internet broadband services. Hence, not considering the grievance</p>
			Percentage of calls answered by Operators (Voice to voice) within 90 Seconds	>= 85%	

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					<p>redressal mechanism provided through such avenues and upholding the traditional mode of reaching through call centre needs to be revisited. Further, we also understand that our subbase would constitute of senior citizens and while we are happy to be available through call centre for such discerning customers, making contact centre as the benchmark and ignoring other modes of grievance redressal may be revisited.</p> <p>We request the authority to appreciate the fact that customer behaviours are in such manner that they try and get in touch with the contact centre as soon as there is any internet application outage and the same, not necessarily needs to be an issue where his/her broadband connectivity is being down. Instances like these result in unplanned demand. eg:- Social media applications, delivery apps, Office VPN connectivity etc., which makes it difficult to anticipate and has a cascading effect for a few intervals.</p> <p>Further, service providers like us face situations wherein we have multiple intervals where demand is lean. Variation in demand on account of various uncontrollable factors like weather, outages, Fiber-cuts etc.</p> <p>Most importantly, for a pure play ISP who are not an access service provider, establishing and maintaining a call centre to meet such high benchmarks is a difficult and capital-intensive affair.</p> <p><b><i>Basis our above submissions, we request you to duly revisit this benchmark and do away with prescribing accessibility to call centre as benchmark under 3(xii)(a) and reduce the benchmark for 3(xii)(b) from &gt;=95% to &gt;=85%.</i></b></p>

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4	3	3(1)(Viii) & (ix)	Metering and billing accuracy – postpaid and prepaid	“Billing complaints per 100 bills issued to be < 2%”	<p>Under the existing Broadband QOS regulations, the Authority has prescribed that  <i>“Billing complaints per 100 bills issued to be &lt; 2%”</i></p> <p>With the advent of VAS services and bundles plans that comes in a fixed line broadband network, it is very likely that a customer shall raise queries seeking clarity and even though the same is actually not a billing error the same may lead to generation of a service ticket and a service provider may not be able to meet the parameter. Hence, we request the authority to appreciate the fact that it is beyond the scope of service provider to stop customers from seeking clarity on the bills generated and customer asking the same to be registered as a Billing ticket until clarity on the same is provided.</p> <p>Further the focus should be on providing clarity and resolution to such billing issues and we are ok with the benchmark prescribed by the authority in 3(X).</p> <p><b><i>Hence, we request the authority to continue with the existing parameter of “Billing complaints per 100 bills issued to be &lt; 2%”.</i></b></p>
5	3	9(1)(1)	Latency		<p>With respect to this parameter, we request the Authority to clarify as to what will be the sample size of ping per test (100 packets or 1000 packets).</p> <p>Further, the Authority while explaining the Measurement Methodology for latency has mentioned that  <i>“The latency tests should measure average round trip time of a series of randomly transmitted UDP packets distributed over a long timeframe”.</i></p>

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					<p>In this regard, we request the Authority to clarify what qualifies as “<b>long time frame</b>” value.</p> <p>We also request the Authority to clarify what will be the sample size for the latency data (like – weekly once &amp; avg. over a month or daily once &amp; avg. over a month).</p> <p>We request the authority to provide the above clarity so that we can understand whether the same is feasible or not and give our counter comments</p>
6	3	9(1)(2)	Jitter		<p>We request the authority to clarify as to what will be the sample size of ping per test (100 packets or 1000 packets).</p> <p>We also request the authority to clarify what will be the sample size for the jitter data (like – weekly once &amp; avg. over a month or daily once &amp; avg. over a month).</p> <p>While explaining this parameter, under the measurement methodology the Authority has mentioned that Jitter calculation is for one way , however we will be able to provide only on basis round trip jitter by calculating the difference between ping packet average &amp; minimum latency.</p> <p>We request the authority to provide the above clarity so that we can understand whether the same is feasible or not and give our counter comments</p>
7	3	9(1)(5)	Minimum download and upload speed against the		<p>Prescribing 100% of the minimum speed is not achievable. There are various factors which are outside the scope of a service provider which may hamper a service provider from providing 100% of the Minimum</p>



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			minimum subscribed speed in offered data plans		<p>download and upload speeds. To start with, every subscriber who uses a wired internet services uses Wi-Fi Router, even though a wired broadband connectivity provides the plan speeds over the Cable, it would not be possible to experience the same over a Wi-Fi and there will definitely be a drop in the plan speeds. Hence, the speed will have to be calculated in the wired LAN connection directly provided by service provider at customer premises and not the Wi-Fi speeds.</p> <p>Further, there can be other reasons such as faults due to the customer premises equipment which is owned by customer such as computer hardware and software including LAN card/USB Ports etc. shall be excluded from the measurement of performance against this benchmark, as the service provider is not directly responsible for these faults. Non-availability of network due to fault at the upstream service provider end, fiber cuts caused by 3<sup>rd</sup> parties and link flaps which again is not within the scope of the service provider may be duly ignored.</p> <p>Degradation in the network due to any Force Majeure events etc., the authority shall duly provide all such exceptions while considering these parameters.</p> <p>Further, the authority has mentioned that the measurement will have to be done on an average basis over a period of one month. in this regard, we request the Authority to take note that it would not be possible for a service provider to measure all the plans on a daily basis. Further as per the Telecom Tariff orders a service provider can have different plans for each of the service areas it operates and monitoring download and upload speeds for in all the LSAs would be highly impractical.</p>

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8	3	10(ii)	Successful packet data transmission download attempts		We request the authority to clarify as to what will be the sample size for the attempts like can a service provider take weekly once & avg. over a month.
9	3	10(iii)	Successful Packet data transmission upload attempts		<p>Further, we would need more clarity on the measurement parameter as to whether it would be ok to use FTP file upload / download attempt of 1GB from client till ISP local gateway POP with respect to customer. As we would not have any control on speed commitment beyond ISP local gateway.</p> <p>We request the authority to provide the above clarity so that we can understand whether the same is feasible or not and give our counter comments</p>
10	3	10(1)(iv)	Maximum Bandwidth Utilization of any customer serving node to ISP gateway node [Intra network or internet exchange point Links]		The benchmark proposed by the authority is <80%. In this regard, we request the Authority to take note that if the average utilization of the route links is 90%, it (90%) should also be the limit on individual links (instead of 80%). This way, each link having less than 90% utilization ensures that overall utilization is < 90%.
11	3	10(2)	The Service provider shall monitor the compliance of the parameters and its benchmarks specified under sub regulation (1) and furnish quarterly report within 30		<p>We request the Authority to allow the time line for submission for QOS report be retained as 6 weeks from the end of each quarter instead of 30 days.</p> <p>Further, the Authority is now asking service providers to submit report LSA wise and in order to process, verify and do the same, the timeline of 6 weeks that was originally prescribed may be retained.</p>

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			days of the end of each quarter.		
12	3	15(1)	Consequences for failure of service providers to meet the benchmark of QOS parameters		<p>We request the authority to clarify as to how will the financial disincentive be imposed. While under clause 10(2) the Authority has mentioned that the report will be submitted quarterly. There are various parameters, which are being measured monthly. And in case a service provider is not being able to meet the parameter in a month in a quarter, will it still end up paying financial disincentive. Hence, we suggest levy of financial disincentive to be levied on quarterly basis.</p> <p>We request the authority to provide the above clarity so that we can understand whether the same is feasible or not and give our counter comments</p>

With respect to other questions encompassed under response to chapter 6 of the consultation paper – we do not have any comments in this regard.

Thank you,

For Atria Convergence Technologies Ltd

Authorised Signatory