

Bharti Telemedia Ltd.

Airtel Center, Plot No. 16,
Udyog Vihar, Phase - IV,
Gurugram - 122 015
Haryana, India

www.airtel.in
call+91 124 4222222
fax +91 124 4243252

dth services



29th August 2019

RP/FY 2019-20/075/040

To,

Sh. Arvind Kumar

Advisor -B&CS

Telecom Regulatory Authority of India

Mahanagar Doorsanchar Bhawan,

Jawaharlal Nehru Marg, New Delhi - 110 002

Ref: TRAI's Draft (Second Amendment) to The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations 2017 dated 9th August, 2019 ("hereinafter referred to as "Draft Regulation or Proposal")

Dear Sir,

We write in reference to TRAI's afore-cited Draft Regulation, wherein TRAI is proposing amendments in the QoS Regulations so as to mandate integration of DPO's systems with the Channel Selection System developed by a Third Party Developer (TPD).

Before we proceed to make our submissions on the Draft Regulation, we would like to assure the Authority that Airtel is always committed to adopt and follow a customer centric approach in its process, practices, designs or systems. In its constant endeavors to enhance the customer journey, Airtel has been providing multiple options via diverse platforms to the customers to select, change or customize their channels/plans/packages. These options are available on multiple modes including the Airtel App, Airtel website, SMS, Call, and an interactive feature on TV via the dedicated channel No.998.

Needless to mention, all these options have been designed to provide ample ease and convenience to the customers to choose or change the channels /bouquets at any time. The plan selection feature is being continuously upgraded to enhance and optimize the user experience by adding new features or supplements to these modes. We wish to confirm that Airtel is constantly working not only to optimize the customer experience but also to make it more and more convenient and easy for the customers.

With the above background, apart from our submissions made via email response dated 17th May 2019, we wish to submit our further concerns regarding the Proposal as captured below:

A handwritten signature in blue ink, appearing to be the initials 'M' or 'N'.

1. DPOs have been putting considerable efforts in simplifying the customer experience:

To reiterate, the entire DTH industry including Airtel has been consistently taking initiatives to enhance the customer experience by bringing various changes with an intent to ease the process of selection/de-selection of the channels/bouquets/plans, etc. Airtel's recent initiative to add a missed call feature was also appreciated by the Authority as it allows the customers to add channels simply by giving a missed call to the number displayed on their TV screens for each channel. This particular feature is over and above the requirements mandated in the TRAI regulation. Therefore, the commitment of the DPOs is explicitly evident from the initiatives being led by them in terms of augmenting the ecosystem for easing the customer's journey.

2. TPD Proposal based on findings which are not applicable to DTH Industry:

In the Explanatory Memorandum to the Draft Regulation, TRAI has listed reasons for proposing TPD Apps citing deficiencies in the DPO's platform such as not providing adequate freedom and choice to consumers, cumbersome process of selecting/de-selecting TV channels, no major change being carried out by DPOs to facilitate consumer choice, DPOs forcing their preferred pack/bouquet to the subscribers, lack of interest by DPOs to provide consumer friendly options to consumers. In this regard, we submit that TRAI's findings are not valid towards the DTH industry as mostly all DTH players including Airtel have implemented multiple modes to facilitate customers to exercise their choice and have been supplementing these modes on regular basis to further enhance and simplify the customer experience. Time and again, we have been apprising the Authority of such changes and upgrades. This shows that the purpose intended to be achieved by the TPD App is already been catered to by the DTH industry. Therefore, the premise of the Proposal may not be relevant as far as DTH players are concerned since they are effectively honoring their obligations and additionally introducing pro-active steps to enhance customer experience. *As is evident from the statistics, till date, 6.9 mn of Airtel DTH subscribers (which is 55% of the active subscriber count) have exercised their options including channel addition and deletion through various options/ platforms provided by Airtel DTH.* Therefore, the competency, adaptability as well as ease of access of such platforms for customers is adequately evident from these figures.

3. Privacy and Data Protection concerns:

The DTH Operators are obliged to maintain the security of network as well as the confidentiality of customer's data. Allowing access of our systems to TPD brings more complexity at our end, as they will have to meet such obligations with an extended player in the chain and that too, when these TPD Apps may not be controlled by TRAI or the DPOs. The data protection concerns needs to be evaluated thoroughly, more so, when there have been news of repeated instances



of malicious/malware apps sneaking into the platforms hosted by prominent players.

4. Threat of Infringement:

TPDs could infringe upon the privacy & data of users as they would have access to subscriber plans/details across all/multiple Distribution Platforms. For any data leaks/misuse by the TPD, there is no clarity w.r.t enforcement of any corrective/remedial action by TRAI or any other authority for lack of jurisdiction. The TPD action can expose us to severe breaches as well as impairment of our business interests. It is not clear as to who assumes the responsibility/ liability for any breaches made by /through the TDP Apps.

5. Proposal is silent on jurisdiction over TPDs

As per TRAI, only the certified TPDs will be recognized and allowed for developing Apps. Since, the TPD is not a Service Provider under the TRAI Act, it may not be governed by TRAI Act/Regulation. The jurisdiction over TPD is an important aspect to be decided upon as it is important to check and enforce the TPD's performances and compliances.

6. Neutrality of the TPD:

The neutrality of the TPD is a prerequisite and is core to the proposal. To ensure this, there has to be a framework defined for the same so as to avoid any potential misuse by TPD. The TPD Platform can be misused by offering a search bias result, thereby indirectly prompting the customer to choose certain channels/bouquets over others. The TPD while suggesting an optimum configuration may gain a dominant position and use this as a means to influence the customers' choice for particular channels/bouquets, which will defeat the very purpose for which TPD App is being proposed. The Proposal has not included any means and checks to control such practices by the TPDs.

7. Customers' Choice or TPD's Choice:

The essence of the new regulatory framework lies in empowering the customer to make a choice. There is a possibility that by allowing the TPD to suggest an optimum configuration of bouquets, the choice may get shifted from the customer to the TPD. Further, the algorithm of a TPD App may not do justification in terms of meeting the customer requirements. The Proposal does not have any safeguards to protect the abuse of the concept of customer's choice, which in turn may defeat the very essence of the new regulatory framework.

8. Lack of clarity on business or Commercial Model of TPD:

The Proposal of TRAI is merely a technical outline for integration of systems of DPOs and TPD, without laying out any finer nuances with respect to the revenue model on which the TPD App will work. We submit that the Proposal necessitate



a comprehensive framework to address the business, commercial and critical aspects related to data sensitivity and protection as well.

The business model of the TPD also assumes significance to maintain the integrity of the Proposal. Any insufficiency in the financial model may prompt the TPD provider to work against the interest of the DPO or it may prompt them to discriminately favor one DPO over another. Such situations are likely to invoke conflict among DPOs or between the DPOs and the TPDs.

9. TPD App offer no Value Addition:

Currently, we are offering Apps/Websites as one of the means for the customer to make its choice and needless to mention, these options have been predominantly used by the customers. The TPD Proposal is akin to offering an alternative web/app as a means to customers for customizing or making selection of plan for his/her services availed from the DPOs. Since DPOs are already offering its customers, myriads of options mandated in the new regulatory framework, this Proposal merely duplicates without offering any unique advantages over the services provided by the DPOs. Needless to mention, the DPOs own platform can be attuned to offer this functionality and such an exercise is already under development. The Authority may also suggest and guide the DPOs on this aspect. Therefore, outsourcing this capability to a TPD may not be desirable and will lead to an extension of the DPO's role to a TPD, which may not be aligned with the existing regulatory contours. TPD will merely act as an intermediary without giving any value addition and such a model will unnecessarily complicate the experience of the customer.

10. Customer Grievance Redressal:

While all DPO's are obligated to have effective redressal mechanism, there is no visibility of this arrangement at TPD end and also how the same shall be enforced. An ineffective redressal will lead to customer dissatisfaction, which may have an adverse impact on the DPOs as the customer belongs to a DPO.

11. Certification of TPD Apps.

TRAI has acknowledged during the meetings that TPD shall be duly certified and approved by the Authority. Having said that, the Draft Regulation has not mentioned the scope and the process of such certification.

12. No precedent of TPD App in the regulated sector exists:

There is no such precedent of a mandatory TPD App requirement in any regulated sector. The examples of Apps like 'Trivago', 'Make My Trip' etc. are not relevant as they are not mandatory in nature. Such Apps are merely aggregating the Service/product information and offering services on commercial basis. On the contrary, a TPD App suggesting an optimum plan to the customers will have a



larger data accessibility and will have the capability to influence customers and distort competition without any commercial arrangement to safeguard from any such misuse.

13. DPO's flexibility to continue:

We submit that TRAI should continue with the flexibility available to the DPO's to design and innovate the ways to ease the customer journey related to exercise of choice. Unless there is a contractual relationship between DPO and the TPD App, any involvement of TPD is likely to impact the DPO's business as well as customer life cycle management as a third party's platform may interfere with the DPO's innovation and flexibility to manage its business including freedom to compose new plans, tariff schemes, etc.

14. Consultation process :

The subject matter of the Draft Regulation requires a proper consultation with all the stakeholders and we most humbly, submit that this process will not only ensure transparency but it will also be in line with TRAI's approach. Further, the above concerns highlighted by us are crucial and hence they warrant a thorough evaluation and detailed deliberations. Having said that, it is likely that the outcome of such exercise can even negate the need for TPD App Proposal.

15. Alternative Option:

The salient features being endorsed in favor of a proposed TPD App is the ease of customer experience and plan optimization feature. We submit that all such features can be duly incorporated by the DPOs in their website /apps. To have a consistent approach, TRAI, can formulate a broader set of guidelines for app/website of DPOs. The TPD App is not offering anything unique which cannot be built by the DPOs in their current systems. Therefore, the TPD App is not desirable when the existing systems of DPOs can be scaled up to meet the requirements visualized through TPD App.

In the light of above submissions, we once again request TRAI to withdraw the Draft Regulation and formulate some guiding principles for DPO's apps /websites to achieve the very purpose for which the TPD App is being envisaged.

Thanking You,

Yours Sincerely,
For Bharti Telemedia Limited,



Ravi P. Gandhi
Authorized Signatory