

Fwd: Responses to Consultation Paper on "Review of the Telecom Commercial Communications Customer Preference Regulations, 2018" dated 28th Aug 2024

JT Jaipal Tomar <advqos@traai.gov.in>

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Cc "JAIPAL TOMAR" <jaipalsingh.tomar@gov.in>

==== Forwarded message =====

From: <anil.pande@exotel.com>

To: "Jaipal Singh Tomar, Advisor QoSII" <advqos@traai.gov.in>

Cc: <vivek.jathanna@exotel.com>

Date: Wed, 25 Sep 2024 09:59:52 +0530

Subject: Responses to Consultation Paper on "Review of the Telecom Commercial Communications Customer Preference Regulations, 2018" dated 28th Aug 2024

==== Forwarded message =====

To,
Shri Jaipal Singh Tomar,
Advisor (QoS-II)
Telecom Regulatory Authority of India

Date : 25th Sept 2024

From
Exotel Techcom Private Ltd
and Veeno Communication Private limited
Maruthi Infotech Centre, 2nd Floor,
Tower A, 540, 100 Feet Rd,
Amarjyoti Layout, Domlur,
Bengaluru, Karnataka 560071

Dear Sir,

Subject – Responses to Consultation Paper on "Review of the Telecom Commercial Communications Customer Preference Regulations, 2018" dated 28th Aug 2024

We are happy to provide our responses to the consultation paper as mentioned above and will be happy to provide any further information / details as may be required.

Please find our responses to specific queries.

Q.1 Stakeholders are requested to submit their comments in respect of definitions of messages and calls and their categorizations, as suggested in the paragraphs 2.14 to 2.19 along with necessary justifications.

**Veeno Response : Apart from
(A) Transactional Messages or Transaction Calls,**

- (B) Promotional Messages or Promotional Calls,**
- (C) Government Messages or Government Calls**

We request you to consider “Debt - Laon collection calls / EMI reminder” as a separate category

We submit the Debt- Loan collection calls are quite different from the transactional messages or Transactional calls due following reasons

- There is an existing relationship and lenders have rights to reach out to consumers**
 - Digital consent, Validity period of 12 months for digital consent will not be practical considering default can happen beyond 12 months (even if taken at the time of lending)**
 - Consumers can block the numbers particularly and hence PE’s need to employ rotation of numbers**
 - There should not be any DND scrubbing and preference applicable to the consumer for these calls as lenders have rights to call the consumers.**

We request this be provided at least till 160 number series is introduced.

Proof – Proof of loan disbursement and pending amount snapshot establishing the relationship should be allowed to close the DND complaint as invalid. If required, call summarization using AI tools like Speech to text conversion can be employed to ensure PE’s don’t misuse the functionality in the pretext of collection to carryout promotional calls.

We further request that incoming calls be allowed for 160 / 140 to ensure consumers can reach the number back.

Q.2 Whether explicit Consent be made mandatory for receiving Promotional Communications by Auto Dialer or Robo Calls? What can be other possible measures to curb the use of Auto Dialer or Robo Calls without the consent of the recipients? Stakeholders are requested to submit their suggestions quoting best practices being followed across the world.

Veeno Response : With new age technologies like Gen AI capable of handling large number of calls without the need for a human agent, we submit that explicit consent should not be made mandatory.

The DND preference of the customer, Digital consent acquisition may be enforced and good to ensure that SPAM is controlled.

Q.3 As most of the pre-recorded calls have pre-defined content, stakeholders are requested to comment on the process to be followed to scrub such content before the delivery to consumers. The comments should be supported with suitable justifications and practices being followed in other parts of the world.

Veeno Response : With new age technologies like Gen AI capable of handling large number of calls without the need for a human agent, robo calling cannot be avoided. However with 140 enforcement, DND scrubbing and digital consent in place, we recommend following further additions for robo calling

- **Template registration for Voice calls**
- **PE-TM binding and traceability**
- **Regulate repeat calling – PE should be made responsible not to call the same subscriber with conditions like**
 - **Maximum 2 attempts per consumer within a span of 1 week – Do not call the consumer for at least 3 months period post that.**
 - **Limitation is across PE, Partner channels PE may employ for promotion etc.**

Further – Any DND complaint on 10 digit Mobile numbers carrying out promotional calling using Mobile SIM Gateway, Individual connection should be controlled and made more punitive.

We believe the Fraud and SPAM is primarily by use of Bulk mobile connection and individual SIM cards rather than employing robo calling.

Q.4 Stakeholders are required to submit their comments in respect of Headers identifiers categories as suggested in paragraphs 2.31 of Chapter-II or any other type of identifiers which may facilitate consumers to identify senders distinctly. Suggestions if any, should be suitably brought out with necessary justifications.

Veeno Response : We request you to consider “option 3 - To permit the Sender to have the same numeric header for message and transactional/service voice calls. It may help in easy identification of the Sender.”

This will enable better identification of PE and creating of trust.

Q.5 Whether current provisions in the regulations for redressal of consumers' complaints in a time-bound manner are sufficient? If not, what provisions should be made for improving the effectiveness of the complaint handling processes including identifying and fixing the responsibilities of the violators?

Veeno Response : We believe that individual user with Mobile SIM cards and UTM with Mobile SIM cards or Mobile SIM banks / gateways are much higher threat from fraud and SPAM perspective.

We agree that action of suspending within 2 hours etc should be done against individual users and UTM using specifically the Mobile number series.

In case of enterprises / business connections, provision should be provided to enterprise to prove relationship, provide call summaries to validate with a slightly higher turnaround time and higher limits.

Also note – IP Telephony numbers should be treated as SDCA number and not as Mobile SIM connection for the purpose of identifying UTM / Individual user etc

From ULVNO operator perspective – It should be clarified that NSO cannot and should not block entire ULVNO – However should pass on the information of customers to be suspended. This is critical as TAP will have consolidated list of PE violating. These are not being passed on to ULVNO currently either by TAP or OAP. Hence, ULVNO are uncertain if we are in compliance.

Please note – The recent 50 customer list of suspended violators was not informed to ULVNO. This can lead to loop hole as the regulation aims to blocks all non-TM resources for such violators and ULVNO operators do not have any visibility

Q.6 Whether facilities extended by the Service providers through Apps, Website and Call Centres for handling UCC complaints are accessible and consumer-friendly? Is there a need to add more facilities in the current systems? What measures should be taken by the service providers to make their Apps, Website and Call Centres easily accessible to the Consumers for registering UCC Complaints and tracking the same for a time-bound disposal of complaints? Please provide your answer with full details on the facilities needed.

Veeno Response : We believe the current model is sufficient.

Q.7 What additional modes of complaints registration, preference registration and consents registration through a very easy and quick process can be implemented?

Veeno Response : We believe the current model is sufficient.

Q.8 Stakeholders are required to submit their comments on the following-

a. Measures required for pro-active detection of spam messages and calls through honeypots and norms for the deployment of Honeypots in a LSA, and rules or logics required for effective use of AI-based UCC detection systems including training of AI models for identification, detection and prevention of spam

b. Proactive actions needed to stop further communications of messages or calls identified as spam through UCC detect systems and actions on the senders.

Veeno Response : We believe the current model is sufficient.

Q.9 Stakeholders are required to submit their comments in respect of

a. Financial disincentive proposed in Section F of Chapter II on the access providers against violations in respect of RTMs

b. Financial disincentive proposed in Section F of Chapter II on the access providers against violations in respect of UTMs

c. Financial disincentive against wrong approval of Headers and Message Templates proposed in Section F of Chapter II on the Access Providers.

d. Measures needed to assign the responsibilities of telemarketers (both RTMs and UTMs) and Principal Entities (Senders), involved in sending UCC and disincentivize them financially including legal actions as per law.

Veeno Response : We believe the current model is sufficient.

Q.10 Whether there is a need to review five paisa exemptions accorded to transactional messages and bring them at par with other commercial messages? If yes, please give your answer with necessary justifications? If no, what additional measures are required to discourage senders, telemarketers or service providers from using transactional message templates for sending promotional messages?

Veeno Response : As the transaction messages include OTP, reminders etc, we request that PE should not be further made to pay higher amount and hence request the current exemptions to continue.

We also request that for Digital consent – ceiling price has to be defined to further increase the adoption of digital consent.

Q.11 Stakeholders are requested to offer their comments on the following issues:

a. Whether there is a need to strengthen the provisions of Common Code of Practice templates with Standard Operating Processes further to enable Access Providers to take actions including imposing financial disincentives and actions as per law, against entities registered and not following the regulations? If so, what could be additional provisions and essential processes which should be made part of CoPs?

b. Whether there should be provision for minimum security deposits from the entities registering with any of the Access Providers, against the misuse or breach of regulations? If so, what should

be the provisions in the CoPs for full or partial encashment/replenishment of security deposits against the breach of the regulations? Please provide your answers with suitable justifications.

Veeno Response : We believe the current model is sufficient.

Q.12 What effective steps can be taken to control the menace of UCC through tariffs? Please justify your answer.

Veeno Response : We believe that the Mobile numbers allocated to UTM and Individual connections more specifically the SIM cards should be further investigated or tariff should be increased to avoid UCC.

Tariff increase on promotional numbers like 140, 160, Enterprises using SDCA number or IP telephony number is not recommended as it increases the cost to the PE. The fact that a customer has registered themselves as PE shows the intent to adhere to regulations and tariff increase may not be required.

Q.13 Whether differential tariff for SMS and Voice calls beyond a certain limit should be introduced to disincentivize UCC through UTM? Please justify.

Veeno Response : Yes use of Mobile SIM with higher calling volume, short calls, number of missed calls etc should be made more costly to discourage UTM

Q.14 If differential tariff is introduced, what could be the limit beyond which differential tariff could be introduced for:

- i. Voice Calls
- ii. SMS.

Please justify with rationale.

Veeno Response : We suggest

If a SIM card is using 80% of the 100 SMS per day for more than 5-7 days, Analysis of content should be done. If required, each message should be charged Rs.1 per message to discourage use by UTM

In similar lines based on number of voice calls, duration of the call, answer ratio should be considered to either suspend the lines or charge Rs.2 per minute to discourage the UTM.

Q.15 If differential tariff is introduced, what could be the tariff beyond a limit for:

- i. Voice calls.
- ii. SMS.

Please justify with rationale.

Veeno Response : We suggest

If a SIM card is using 80% of the 100 SMS per day for more than 5-7 days, Analysis of content should be done. If required, each message should be charged Rs.1 per message to discourage use by UTM

In similar lines based on number of voice calls, duration of the call, answer ratio should be considered to either suspend the lines or charge Rs.2 per minute to discourage the UTM.

Q.16 Whether differential tariff should be introduced in a graded manner? If so, please suggest the methodology with justification.

Veeno Response : We suggest a uniform method of tariff.

Thanking you
Vivek Jathanna

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