

Question 1: Do you think that the measures prescribed currently are adequate to ensure transparency in the tariff offers made by TSPs? If not, then, what additional measures should be prescribed by the TRAI in this regard? Kindly support your response with justification.

Answer 1 Yes the measures currently prescribed to ensure transparency in the tariff orders made by TSPs are adequate but its effective implementation must be ensured by the authority. In order to do that it may consider the provisions made by the UK telecom regulator Ofcom and South Africa.

Question 2: Whether current definition relating to “nondiscrimination” is adequate? If no, then please suggest additional measures/features to ensure “non-discrimination”.

Answer 2 No. Special tariff plans are provided to new subscribers while there is no such offer for existing subscribers.

Question 3: Which tariff offers should qualify as promotional offers? What should be the features of a promotional offer? Is there a need to restrict the number of promotional offers that can be launched by a TSP, in a calendar year one after another and/or concurrently?

Answer 3 The examples in Para 3.12 can be considered as features of a promotional offer.

Question 4: What should be the different relevant markets – relevant product market & relevant geographic market – in telecom services? Please support your answer with justification.

Answer 4 The relevant geographic market should be the relevant market in telecom services.

Question 5: How to define dominance in these relevant markets? Please suggest the criteria for determination of dominance.

Answer 5 To define dominance in the relevant market, The Competition Act, 2002 may be considered.

Question 6: How to assess Significant Market Power (SMP) in each relevant market? What are the relevant factors which should be taken into consideration?

Answer 6 SMP can be assessed in each relevant market by share of the enterprise in the respective market and the various services. (IUC Regulations 2003)

Question 7: What methods/processes should be applied by the Regulator to assess predatory pricing by a service provider in the relevant market?

Answer 7 The methods given in Para 3.8 are sufficient to assess predatory pricing by a service provider in the relevant market. These are –

- a) delineation of relevant market;
- b) assessment of dominant position/significant market power (SMP) in the relevant market;
and
- c) evaluation of whether the dominant enterprise is resorting to pricing below Average Variable Cost (AVC) with the intention of driving out competitors from the market.

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