

Counter Comments

TRAI Consultation Paper on Regulation of International Mobile Roaming Services

New Delhi, India 26th May 2020¹

ISSUES FOR CONSULTATION

Introduction:

ITU-T Study Group 3 determined in its meeting in January 2012 draft new Recommendation D.98.Ref² According to ITU-T procedure, it was approved in the meeting of SG3 in September 2012. In its introduction section, this Recommendation recognises the multi-country nature and the complexity of IMR issues. Section 2 of this Recommendation lists other relevant ITU-T Recommendations like D.93, D.99, and D.140 as references. Section 3 of this Recommendation includes definitions on International mobile roaming service and IMR wholesale and retail rates. These definitions are consistent with well accepted definitions generally agreed by all stakeholders.

Section 5 is the last section of this Recommendation, and it contains principles for lowering IMR rates. Section 5.1 is about empowering consumers, Section 5.2 proposes market-based solutions, and Section 5.3 is about Regulatory intervention. Under section 5.1 empowering consumers, D.98³ asks ITU Member States to encourage: 1. transparent information on IMR retail rates and structure before users roam internationally 2. usage alerts when users start to roam 3. warning alert when a certain cost has incurred 4. roaming cost caps 5. special user protection measures for inadvertent roaming in border regions 6. User choice of visiting network. Under section 5.2 market-based solutions, D.98⁴ asks ITU Member States to encourage: 1. provision of roaming pricing plans which fit different users 2. support substitutes like local SIM cards, and provision of IMR by other means 3. regional and interregional cooperation 4. cooperation of mobile operators to lower wholesale tariffs. Section 5.3 regulatory intervention. Its final text says that Regulators and policy makers, MAY introduce regulatory interventions on IMR tariffs, and possible interventions MAY include regulatory measures such as usage alerts, bill caps, tariff caps and pre-selection.

2. The current CP is focussing on **'Bill Shock'** refer para 1.5 of⁵ the very subject of ITU-T D.98(09/2012)⁶ of Para 1 above. TRAI followed the regime of forbearance regarding pricing of IMR service as per para 2.16 of⁷. It is a welcome step that TRAI has come up with a CP now about a phenomenon for which ITU Recommendations were available as early as 9/2012.

The complexity of IMR issues is a well-recognised fact. This complexity has been compounded by following forbearance regime rather too long.

Bill Shock is an effect due to various causes. If the causes are removed effect will vanish.

Notwithstanding that reasons for the time gap are not discernible from CP and ITU-T D98(09/12)⁸ does not find a place in CP answers to CP questions follow.

Q & A

Question 1: Should not the IMR service remain inactive at the time of issue of the sim till the same is activated by the subscriber as a part of the IMR tariff-selection exercise? Please elaborate your submissions.

Question 2: Should it not be mandatory to communicate the details of activation and applicable tariff immediately by SMS or email on completion of the tariff-selection exercise by the subscriber? Please give your views.

Question 3: Should not the tariff details and related terms and conditions be communicated to subscribers of IMR service by SMS and /or email as soon as the phone is switched on in the visiting country by the subscriber. Please elaborate your views.

Ans. Question 1., Question 2., Question 3.

Some issues under these three questions can be clubbed under “**transparency of information on IMR Service General**”. The way Question 1., Question 2., Question 3 are framed give the impression of TRAI endorsement to the current tariffs either in the form of standard rates or package rates. It is hoped that same is not so.

The following is for consideration. Based on Reference⁹

l)The status/timing of provisioning of IMR may be left between Mobile Service Provider and the customer alias consumer alias user.

Kindly refer to **Ans. Question 4., Question5., Question 6. & Ans. Question 11.,** also.

Question 4: Please give your views on the significant differences in tariffs for IMR Service under Standard Rates and IR Packs. Furthermore, your views are solicited as to how these two rates can be rationalized.

Question 5: Should not the IR packs apply automatically the moment subscriber’s expenses on IMR Services exceed the corresponding daily IR Pack rate unconditionally for all the countries for which the service provider is offering IR Packs?

Question 6: Can IR Packs presently offered for one day duration be used to subscribe for multiple days to avail IMR Service? Whether the TSPs be mandated to permit combination of different IR plans as per requirement of the consumer? Please elaborate your submissions.

Ans. Question 4., Question 5., Question6.

These three questions can be clubbed under “**transparency of information on IMR Service Retail Charges**” & usage.

Statement ‘IR Packs’ has been used in all the three questions & the way Question 4., Question 5., Question 6., are framed give the impression of TRAI endorsement to the current tariffs either in the form of standard rates or package rates. It is hoped that same is not so.

The word ‘daily’ used in Question 5., **per se** does not convey the correct meaning unless the starting moment of 24hrs. is defined because of different time zones in which the world is divided. This leads to different standard times. Standard time of a place may be different from its local time. Large countries may not have one standard time. A question arises whether ‘0’ time reckoning should be done w.r.t local time of place visited in another country, standard time of the country of the place visited or standard time of place of origin.

Kindly refer to **Ans. Question7., Question8., Question 9. & Ans. Question 11.,** also.

Question 7: Why should not the IMR tariff be counted in 24-hour format on the first use of data, making or receiving a call or sending a text message and renewing the charges for only those 24-hour periods in which the services have been used rather than on calendar day basis? Please elaborate your submissions.

Question 8: In consumer interest why it should not be mandated for the service providers to send updates in respect of the data usage exceeding certain pre-established milestones such as 50%, 80%, 90% and 100% of the data entitlement? Please give your views.

Question 9: Will it not be advisable to mandate the TSPs to inform the subscriber by SMS every time the subscriber lands in a country/area not covered by the IR Pack subscribed, of the fact of roaming in an uncovered zone, and the tariffs applicable thereto? Would the aforesaid requirement suffice or whether alongside this, the TSPs be mandated to keep the mobile data in the inactive mode and activate only in accordance with the directions of the subscriber? Are there any other measures that can be taken to cover the situation as detailed?

Ans. Question 7., Question 8., Question9.

These three questions can be clubbed under “**transparency of information on IMR Service Retail Charges**” & usage.

The way Question 7., Question 8., Question 9., are framed collectively give the impression of TRAI endorsement to the current tariffs either in the form of standard rates or package rates. It is hoped that same is not so.

For counting 24hrs. ‘0’ hour for counting has to be clearly defined. Please refer **Ans. Question 4., Question 5., Question6.,** above.

Kindly refer to **Ans. Question10., & Ans. Question 11.,** also.

Question 10: What are your views on the measures suggested in para 3.20 to protect the consumer from bill shocks dues to usage of services beyond the pack entitlements? Please provide your views on each of the above measure and suggest additional measures, which in your opinion can be helpful in addressing the issue.

Ans. Question 10.

This question can be clubbed under “**usage**”.

The way Question 10., is framed gives the impression of TRAI endorsement to the current tariffs either in the form of standard rates or package rates. It is hoped that same is not so.

No comments on the measure suggested in para 3.20 of CP¹⁰.

Question 10:

Kindly refer to **Ans. Question 11.,** also.

Question 11: Any other issue relevant to the subject discussed in the consultation paper may be highlighted.

Ans. Question 11.

To recapitulate:

The current CP is focussing on “**Bill Shock**”

& **Bill Shock** is an effect due to many causes.

So, all such causes are relevant to the study and accordingly must be simultaneously addressed. For reference of main international mobile roaming services (2008) and their cost structures see Table 1¹¹.

The issue of “high IMR prices” ^{Para 1 of 12} engaged the attention of APT as early as 2010. The result was a report¹³.

The issues deliberated precursor to report included “retail pricing, wholesale pricing, taxation, transparency and substitute services” ^{14 Para 2 of 12}.

The forbearance has been followed too long. Main international roaming services have come a long way since those listed for 2008¹⁵

Out of the various issues one issue which can be regulated stand-alone, refer ‘16’ is the issue of transparency as per ^{page 25 of 16} & ^{17 Page 15 of 18}. Transparency being a local issue needs to be tackled first.

Refer ^{Page 13 of 19}. Refer Pages ^{6.33,34 of 20}. Refer ²¹ where ‘transparency’ occurs on 22 pages out of 58. Also Refer pages ^{28,47,50 of 22}. Refer pages ^{2,4,5 of 23} where ‘transparency’ is amply stressed in the context of IMR.

The remaining issues like “retail pricing, wholesale pricing, taxation, and substitute services” need to be discussed in separate CPs’.

Accordingly, the following is for kind consideration limiting the Scope to ‘transparency’ in the context of “Bill Shock.”:

I) Way questions are framed collectively give the impression of TRAI endorsement to the current tariffs either in the form of standard rates or package rates. It is hoped that same is not so. The tariff structure of IMR needs to be revisited for quantum as well awareness of the same to customer alias user alias subscriber.

II) TRAI may put up on its web site a “Consumer Guide” similar to Reference ²⁴. The advisory is quite exhaustive.

III) TRAI may collect data from MNO/VMNO/TSPs’ needed for the purpose of “Consumer Guide” as the same is neither available on service providers websites nor customer alias subscriber alias user is empowered enough by any regulations/directions/statutory provisions to get it from concerned service providers. He is at the mercy of his/her service provider. What a paradox-he/she pays for all and listens to all!

IV) TRAI should empower itself for handling individual complaints so as to enable like “The FCC often mediates between consumers and their carriers, and helps consumers achieve redress.”²⁵.

V) The issue of transparency has been amply discussed in ²⁶ from page ‘9’ to page ‘16’. Guidelines for Regulators to Provide Information on International Mobile Roaming (IMR) Services & Guidelines for Operators to Provide Information on International Mobile Roaming (IMR) Services have also been provided from page 12 to page 16. These can form basis for TRAI for issue of recommendations/regulations/directions deemed as deemed suitable for Indian conditions.

REFERENCES

1.

https://www.trai.gov.in/sites/default/files/CP_26052020.pdf

2.

<https://www.itu.int/rec/T-REC-D.98-201209-I/en>

3. ibid.

4. ibid.

5. supra 1.

6. supra 2.

7. supra 1.

8. supra 2.

9. FCC consumer guide for roaming

https://www.fcc.gov/sites/default/files/international_roaming_-_using_your_mobile_phone_in_other_countries.pdf

10. supra 1.

11.

https://www.itu.int/ITU-D/treg/Events/Seminars/GSR/GSR08/discussion_papers/Camila_session4.pdf

12.

https://www.apt.int/sites/default/files/2012/05/APT_IMR_Working_Group_Report_Final.pdf

13. ibid.

14. ibid.

15. supra 11.

16. OECD (2013-06-03), "International Mobile Roaming Agreements", OECD Digital Economy Papers, No. 223, OECD Publishing, Paris.

<http://dx.doi.org/10.1787/5k4559fzbn5l-en>

17. ibid.

18. Inputs from "International Roaming Explained" published by GSMA available at <https://www.gsma.com/publicpolicy/wp-content/uploads/2012/09/Asia-International-roaming-explained-English.pdf>

19.

<https://www.gsma.com/latinamerica/wp-content/uploads/2012/08/GSMA-Mobile-roaming-web-English.pdf>

