

## **Response to the TRAI consultation paper on Review of Measures to Protect Interests of Consumers**

### **General Comments**

- a) The Authority deserves to be congratulated for coming up with a comprehensive consultation paper on review of measures to protect the interests of consumers in the telecom sector. The Authority has covered all the aspects related to provide a complete QoS to the customers. Starting from QoS parameters, the consultation paper has covered all other initiatives of TRAI like Metering and billing audit related issues, redressal mechanism of consumer grievances, VAS issues and web based consumer redressal mechanism. The consultation paper provides an elaborate depiction of QoS norms and complaint handling arrangements/ practices prevalent in other countries. The Authority has made a tremendous effort in gathering such a huge information, International examples, various customer care issues etc.
- b) The Authority had taken a customer friendly step by issuing the Consumer Protection and Redressal of Grievances Regulation in 2007. Since then, the Authority has taken steps to monitor the effectiveness of 3 tier structure institutionalized by it in this regulation and is now looking for making changes to popularize the grievance redressal structure. An yearly Metering and Billing audit is being conducted which is based on an exhaustive check list. Network QoS and Customer satisfaction survey are being conducted regularly since January 2008. QoS for the network related parameters is being reported on monthly basis since July 2009. Number of complaints in the call center, at nodal officer level and at Appellate Authority level is also being tracked on quarterly basis. The QoS regulation was also recently revised by the TRAI. For VAS services, the Authority came up with a regulation in September 2009 which was implemented with effect from December 2009.
- c) The Indian Cellular mobile service market has also significantly changed due to multiplicity of operators in each circle. Now more operators are offering more products and services to the consumers than ever before. Due to enhanced level of competition and significant changes in the market conditions, the patterns of consumer behaviour changes which requires a periodic re-assessment of the QoS Regulation. In this back ground the TRAI's initiative to review the QoS regulatory arrangements is welcome in the context of the new market dynamics and consumer behaviour. The consultation exercise should enable TRAI to decide what policy should apply in relation to the current market situation. The extent of regulatory intervention to specify the QoS benchmarks should depend on the competitive scenario of the market. The best regulatory approaches can be examined and the policies which best suits the country's requirement should be adopted.
- d) As mobile penetration is increasing, competitive pressure to attract new customers and retain existing customers has resulted in concerted efforts by most service providers to continuously improve the quality of service. There is a continuous flow of investment in the network and a key element of service providers strategies for improving service quality.

- e) The continuous expansion of network coverage, improving the call handling capacity and network upgrades is improving service quality. The same is also evident from TRAI surveys on quality parameters and quarterly performance monitoring reports published by the Authority. There is an improving trend of better voice quality, higher call-completion rates and fewer call drops. In the existing market there is no evidence that the competition in market is failing especially in the mobile sector requiring continued existence of excessively regulated QoS obligations. To the contrary, there is evidence that the market is functioning well, there is strong competition in the sector, with more than a dozen telephony providers offering services. In light of this, there is need to review the regulatory approach to deal with the QoS issues.
- f) **Internationally most regulators stop regulating the QoS parameters when the markets are enough competitive and do not require constant monitoring. These include CRTC, FCC amongst other.**
- g) We feel that rather than coming up with a new set of regulation, the Authority should look for enforcement and adherence of current guidelines and regulations. Though, wherever, with interaction with Consumer groups, some suggestions are there , the same can be incorporated under the current regulation. With MNP due for launch from 31<sup>st</sup> October 2010, the service providers will not want to lose their customers and are certainly going to raise their quality levels and become more customer friendly. **Hence, the Authority may monitor the situation up to 6 months after the launch of MNP and may issue guiding principles as of now, for assuring customer satisfaction and for reduction in complaints.**
- h) Notwithstanding our views above, we fully support TRAI' initiative to review measures to protect interests of consumers. The item wise response to the issues raised in the consultation paper follows:

1. What should be the benchmark for the parameter “Provision of a landline Telephone after registration of demand”?

- a. The Authority had rightly removed the above parameter from the list of parameters required for reporting compliance of Wireline QoS to TRAI, vide the revised QoS regulation, made effective since July 2009. It was felt that it is in the interest of Wireline service providers to provision the connection at the earliest since the mobile services are rapidly becoming a substitute for voice services and the provisioning for mobile service is very fast as compared to voice services.
- b. This parameter was brought in the list of parameters to be monitored at service provider’s end. **It is suggested that the benchmark for this parameter should continue to be the same i.e. 7 days in technically feasible locations**

2. Do you agree that parameter “Provision of a landline Telephone after registration of demand” may be removed from the list of parameters requiring mandatory compliance to the Authority?

- a. In the present day scenario it be not relevant to set benchmark for provisioning of wireline services since the present Telecom environment makes it imperative for the service providers to improve upon this parameter for keeping their business economics and potential in view.
- b. It may also be noted that the timely provision of consumer Wireline/ Broadband through wireline delivery is heavily dependent upon customers for following reasons:
  - o Getting an appointment : From working customers during the week days is a problem leading to delays in service delivery.
  - o Right of Way issues. Permission to dig trenches and lay fibre/copper.
  - o Building Permission issues: RCOM network elements (DLC’s) are installed in buildings with customer potential. In many cases, building owner / society members do not give permission / space on time.
- c. In this era of competition and churn of landline subscribers to mobile connections, it is in the interest of the services providers that the service is provisioned as soon as possible. Therefore the TRAI is requested to remove parameter on provision of a landline Telephone after registration of demand from the list of parameters requiring mandatory compliance to the Authority. **Hence this parameter may continue to be prescribed for monitoring purposes only by the licensees.**

3. **Do you suggest any changes to the benchmark for the parameter for landline fault repair, including rent rebate for delay in rectification of fault? If so, please provide details.**

The present benchmarks are okay. However, faults due to natural calamities or any other conditions including fibre/cable cut nationally or internationally, which are beyond the control of service providers should be excluded both for wireline and Broadband services provided through wireline.

4. **What framework do you suggest to ensure payment/adjustment of rebate for prolonged landline phone fault as per QoS regulations?**

a. The service providers have set up stringent internal benchmarks for fault repair and there are no such cases where a connection will have such a prolonged landline fault which will exceed 30 days to resolve the fault unless the delay has resulted due to some external reason which is beyond the control of service provider.

b. The rebate are being provided by default, as per the TRAI QoS benchmark, as given below:

*(i) Faults pending for >3 days and <7 days: rent rebate for 7 days*

*(ii) Faults pending for >7 days and <15 days: rent rebate for 15 days*

*(iii) Faults pending for >15 days: rent rebate for 1 month.*

c. **Therefore, the present TRAI regulation on rebates for prolonged landline phone fault is okay and may be continued.**

5. **How do you propose to ensure its effectiveness? -**

Generally service providers do not have failures/deviations in the compliance to the provision of rental rebates to the customer. At times there are delays due to Customer non availability and delay at customer' end , Building owner or Society objections, cable cuts, cable thefts, water seepage in cables, frequent power outages, and RoW issues. **These issues are beyond the control of service providers and these should be allowed to be excluded for calculation of this benchmark.**

6. **Do you propose any changes to the existing provisions relating to shift of a landline telephone connection?**

The current QoS Regulation provides a benchmark of 3 days for shifting of telephone. This benchmark should be revised to 15 days since this activity consists of recovery from the existing location for which TRAI benchmark is 7 days and installation at new location/ place for which again the TRAI benchmark is 7 days.

**7. Do you suggest any change in existing provisions to ensure timely termination of service/closure? If so, please provide details.**

On many occasions Customers are not available at their location for which they have given the termination request. In such cases contacting them and then arranging CPE recovery is time consuming. Operator should only ensure that the billing gets arrested within 7 days from the time of Customer termination request and there should not be any benchmark towards termination.

**8. Do you agree with the suggestions for seeking explicit consent of the customer, in writing or SMS or e-mail or FAX, to continue with the service, once a request has been made for termination of service?**

It is preferable that once a subscriber changes his mind and opts for continuation of service despite giving the disconnection request earlier, such consent should be taken from the customer in writing, e mail or through Fax or such request should also be considered if the customer has himself called the customer care to avoid any billing disputes at the later stage. **SMS for termination should not be considered since there could be a failure in SMS delivery and also due to the fact that there is no fool proof way in which this SMS can be preserved as a proof of customer request.**

**9. Do you agree with the time period of four weeks provided for resolution of billing/ charging complaints? If not, please suggest alternatives.**

The existing guidelines of four weeks for resolution of billing complaints should be continued.

**10. Do you agree with present provisions regarding period of one week for applying credit/waiver/adjustment to customer's account upon resolution of billing complaint**

The period of four weeks which has been suggested for resolving the billing complaints should include the period to apply credit / waiver/ adjustment as well. However in the postpaid there should a rider that the correct amount will reflect in customer's next bill only. In prepaid, the credit/ waiver/adjustment passed will reflect in his account balance.

**11. What should be the time period and terms and conditions for refund of deposits after closure/termination of service?**

The current benchmark of refund with in 60 days is Okay. Wherever the last payment was made by cheque, the cheque clearing intimation should be excluded in the above period. The refund is dependent on the terminal bill which is generated as per customer's billing cycle and the date of request.

**12. What steps do you suggest for timely refund of deposits after closure/ termination of service?**

The parameter for timely refund of deposit has been made part of QoS Regulation since July 2009 only. The Authority is conducting the QoS audit as well and therefore there is no reason that service providers can ignore the compliance to the same. **In view of regular reporting of these parameter and also audit by the TRAI, it is suggested the existing provisions are sufficient for timely refund of deposit after closure/termination of service.**

**13. Do you suggest any changes to the present benchmark of 15 days for the parameter “Service provisioning/ Activation Time” ?**

**14. How the present provisions can be effectively implemented?**

Provisioning of service within 15 days should be removed from monitoring parameter list in case of broadband services as the timeframe is heavily dependency on Customer’s availability.

**15. Do you suggest any changes to present benchmark for the parameter “Fault Repair/ Restoration Time and provision for rebates”?**

**The existing benchmarks are okay and should be continued.** However, Faults due to natural calamities or other reasons which are beyond the control of service providers like fibre/cable cut nationally or internationally etc. which are beyond the control of service providers should be excluded both for wireline and Broadband services provided through wireline.

**16. Do you propose any change in the existing system of selection of tariff plans for the audit of metering and billing system of service providers to make whole exercise more effective?**

- a. The Authority has increased the scope of Metering and Billing and the current year audit is being conducted on the revised checklist. Now audit is being carried out of 3 new plans launched during the current financial year .
- b. The expanded audit check list has been decided without consulting service providers. **It is requested that the service providers may also be consulted whenever Authority decides the check list for audit.**
- c. The metering and billing audit has a vast scope and it is taking about 6 to 9 months to complete the audit despite the best efforts being put up by the auditor as well as the auditee. The Audit has a wide scope and requires a tremendous administrative efforts for submission of reports within the timelines fixed by the Authority. **The Authority is requested to review the frequency of billing audit which should be reduced to once in two years. The service providers who are having integrated and centralized billing system should be allowed to submit one report per company and not circle wise.**
- d. The Authority may consider to mandate auditing of only two tariff plans per circle and per service (prepaid / postpaid) as was being done earlier. The requirement of publishing financial implication, traffic distribution and tariff information as per Format A, B and C of the TRAI regulation issued in the year 2004 may should be re-looked as the tariffs have

become much simpler. The traffic distribution as per the plans is also not required as the customer buy special tariff vouchers as per their calling pattern and their convenience.

- e. **The Authority is requested to audit only the filed tariff plans with the TRAI and corporate tariff plans should be exempted from the scope of audit.**

**17. What method of alert do you prefer for premium service calls (Call rates higher than normal local call charges rates) before such calls are put through?**

The premium call rates are not known to customers unless advertised by the service providers. Service providers always provide the rates applicable to premium numbers as and when those are advertised.

**18. What information in your view should be provided to prepaid subscriber immediately on completion of every call to facilitate him understand his usages and verify correctness of the deductions?**

- a. Currently in CDMA, the last call information is being provided through pull based SMS since CDMA does not support USSD. However, RCOM provides toll free following options to our customers for account balance information :

- Option 1: Pull based Voice support (IVR) through \*367 & \*369. Customer can dial these star codes to know account balance details

- Option 2: SMS support through \*225 & \*226

RCOM has also built customer awareness on above through contact center, SMS & other media.

- b. In GSM service, RCOM has Post Call Notification informing the customer about the last call duration ,charges, balance & validity. In GSM, subscribers are also provided other options for account balance information

o Push based: After every call, PCN (post call notification) is sent via SMS providing details on charges of last call, core balance & validity.

o Pull based: This option includes following key facilities:

- Option 1: Voice support (IVR) through \*367 & \*369. Customer can dial these star codes to know account balance details

- Option 2: SMS support through 53670 & 55333

- Option 3: Customer can also know his bal. details through USSD \*367#

**19. What information do you feel is necessary after recharging a prepaid connection to ensure complete value for money immediately after recharging/top up?**

Information about the total amount recharged, amount credited in the customer account, service tax deducted and administration charges should be informed by the service provider. In case of Special Tariff Vouchers, the benefit applicable should also be informed.

**20. In your opinion, what should be done to increase the awareness about the call centre?**

- a. At present the call center number information is available at following places :
- (i)Published in the bill
  - (ii) Available on the website
  - (iii)User Guide in GSK, SIM jacket
  - (iv) All types of Print media releases.
- b. It is felt that service providers can send the customer care information through SMS on a periodic basis maybe quarterly. The customer care no. is also available in GSM SIMs as well.
- c. RCOM widely advertises our call-centre numbers in our brochures, leaflets, welcome letters, welcome calls, on the website, invoices, etc. 99% of our customers call at the call-centre to register their grievances. RCOM customers are fully aware about the call-centre.

**21. How can we enhance accessibility of call centers for booking the complaints?**

- a. Monitoring SLAs , tracking congestion parameters and decongesting by way of structured dimensioning of resources can play a vital role in enhancing the accessibility of call centers.
- b. Achieving all the quality benchmarks laid down by TRAI.
- c. RCOM has a customer care number specific to the type of services which can be dialed from any other network in case of service disruptions or handset lost/stolen or damaged.
- d. Introduced separate toll free number 198 for complaint logging.

**22. What are your suggestions about the location of the menu option for talking to a customer care agent/executive in the Interactive Voice Response (IVR) system of the Call Centre/ customer care number, for facilitating easy access to the call centre agent/executive? Should it be the first sub-menu at the third layer, the first layer being the choice of language and the second layer being service menu?**

To enhance customer experience there are IVR mechanisms which queries can be resolved within the IVR itself. For further details required by the customer this can be made available at the third layer.



**23. Should TRAI mandate all service providers to provide complaint booking number accessible from other telecom networks also for complaint booking in case of service disruption? Should such call centre numbers also be toll free?**

Yes, all service providers should provide a complaint booking number accessible from other telecom networks. However, **making it toll free is not desirable as the customer can misuse this and it will no longer remain as an added advantage**

**24. Do you agree that docket numbers should also be sent to subscribers' through SMS who is booking complaint?**

Yes, the docket numbers should also be sent to subscribers through SMS. SMS should mention the SLA and docket number. For wireline services, the customer should be under obligation to register his mobile number to receive docket number else it should not be mandatory for wireline customers.

**25. Will sending of docket number of complaints to subscribers through SMS help them to pursue their complaints and increase effectiveness of consumer grievance redressal system**

Yes, sending docket number through will be more effective and customer would also be able to view the SLA timelines and follow up in accordance with the SLA given. This will also help communicating the updates to the Customer due to unforeseen delays, if any

**26. Do you feel that unique format for docket numbers across the service providers will increase monitoring and speedy redressal of subscriber complaints?**

**No. This should be left to the operators since these are system dependent and the format used by every system might be different. It may be appreciated that early resolution has no dependency to the S.No or docket number. Hence there will be no impact on complaint redressal and should not be mandated.**

**27. Do you agree that customers need to be informed about redressal of their complaints before closure of the docket? If so, will it be desirable to inform the subscriber about status of the complaints through SMS before closure of the docket number?**

Yes, the customers should be informed about redressal through SMS before closure of any docket number. However for wireline services resolution can be updated via SMS only where the Customer has registered/updated his mobile number.

**28. What parameters should be considered to determine the effectiveness of complaint redressal at call centre level? How could effectiveness of complaint redressal at call centre level be measured?**

Effectiveness of Call centre can be measured through well prescribed benchmarks by the TRAI in QoS regulations. TRAI prescribed benchmarks on accessibility of the Call Centre should also be monitored.

**29. In your views, will it be feasible to indicate tentative time frame for redressal of consumer grievance? Will it increase subscriber satisfaction level?**

Time frame of redressal of complaint should be informed to the subscribers at the time of complaint itself. This would definitely increase subscriber satisfaction levels. However complaints due to natural calamities or conditions which are beyond the control of service providers should be excluded both for wireline and broadband services provided through wireline.

**30. What are your suggestions for using complaints received at call centre for improvement in QoS and processes adopted by a service provider? Do you perceive any need for TRAI to oversee such analysis and monitor corrective actions?**

- a. QoS benchmarks are generally met except for unforeseen conditions/circumstances. As a regular practice service providers carry out a structured Root cause analysis & RCF is done in the areas of process and systemic fix.
- b. TRAI is monitoring the complaint handling through QoS audit and metering & billing audit. Hence it is felt that there is no need to have any further monitoring of customer complaints by TRAI.

**31. In your opinion, what should be done to create awareness about the Nodal Officer?**

- a. Service providers should advertise the contact details of the nodal officers. Nodal officer should be approached only when complaint is not resolved in 3 days. It is generally observed that the customers are approaching both the call centre and the nodal officers simultaneously.
- b. The Nodal desk information should be available on the website of the service provider, post-paid invoices, Post/pre GSK, Contact center on request and company outlets. All these measures are fairly sufficient to increase the awareness about the nodal officers.
- c. Beyond the existing above mentioned measures for advertising Nodal Officer contact details, it is suggested that quarterly SMS campaigns can be initiated to increase awareness.

**32. What should be the maximum permissible time in which nodal officer must acknowledge the receipt of the grievance and indicate a unique number for future reference?**

The Authority should allow at least 7 days deadline to the Nodal officer to act on the complaint.

**33. Do you suggest that the nodal officer give an indicative time for redressal of grievance while communicating receipt of grievance? Will it boost the confidence of the subscriber?**

The nodal officer must give a tentative time frame for redressal of customer grievance. Generally service providers are already providing time frame for resolution at their Nodal Desks.

**34. Will it be feasible to communicate the tentative time for redressal of the grievances and ensure redressal within prescribed timeframe?**

Yes it is feasible to provide tentative timelines for redressal of grievances.

**35. What framework do you propose for timely disposal of consumer grievances and feedback on status of grievance redressal before disposal?**

The current framework of three tier resolution of complaint is sufficient for redressal of consumer complaints. It is proposed that regular tracking of resolution SLAs should be done at the service provider's end for timely disposal of consumer grievances.

**36. In your opinion, what should be done to improve the accessibility of nodal officers?**

- a. Regular tracking of accessibility based on periodic audits.
- b. **The customers should be allowed to log a complaint with Nodal officer only if the customer gives the call centre complaint number.** This will ensure that only escalations come to Nodal officers. This will improve the accessibility of Nodal officer.

**37. How would effectiveness of Nodal Officer be monitored?**

The effectiveness can be monitored by tracking the target against achievement of SLA.

**38. What should be the parameters and framework to judge the effectiveness of the nodal officers?**

The effectiveness can be measured in terms of meeting of SLA by the nodal officer. The Quality of resolution provided is also a measure of effectiveness of a nodal officer.

**39. In your opinion, what should be the time frame for redressal of grievances by the Nodal Officer?**

The existing time framework for resolution of complaint is 10 days.

**40. What should be done to ensure redressal of consumer grievances within prescribed timeframe?**

There is no substitute for effective implementation of grievance redressal framework. The close tracking of SLAs will play a major role in ensuring the redressal of consumer grievances.

**41. What framework do you perceive for regular analysis of consumer grievances at Nodal officer level to identify systemic failures and to initiate necessary actions? Do you perceive the need to mandate such provisions?**

As a regular practice, a structured Root cause analysis should be done in the areas of process and systemic fix.

**42. What are your views regarding charging of nodal officer number especially in view of the fact that nodal officer is part of consumer grievance redressal mechanism? Elaborate your response**

Nodal Officer is an escalation desk meant for exception management and making it toll free will no longer be an added advantage.

**43. What should be done to enhance awareness about Appellate Authority to ensure effective redressal of consumer grievances?**

- a. Service providers widely advertise the contact details of their Appellant Authorities. The information on Appellant Authority is also available on Website, Postpaid Bills, Post/Pre GSK, Contact Center on request and Reliance Outlets.
- b. Beyond the existing above mentioned measures for advertising Nodal Officer contact details, it is suggest that quarterly SMS campaigns can be initiated to increase awareness.

**44. What framework to you suggest for filing of the appeal to Appellate Authority for redressal of consumer grievances by subscribers? How can it be made easy and user friendly?**

The Appellate Desk information is currently available on Website, Postpaid Bills, Post\Pre GSK, Contact Center on request and company outlets. Beyond these quarterly SMS campaigns can be initiated to increase awareness.

**45. In your view, what should be the time frame for acknowledgement of the appeal by Appellate Authority?**

The appeal before the appellant Authority should be acknowledged within 15 working days.

**46. Would it be feasible and desirable to convey the tentative time for disposal of the appeal by Appellate Authority to improve subscriber confidence?**

- a. The Appellate Authority should convey the tentative time frame for redressal for consumer grievance. This will improve customer confidence in the three tier grievance redressal mechanism.

**47. How feedback at the time of disposal of appeal can be made more transparent, self speaking and impartial? Is there a need to institutionalise feedback mechanism at appellate authority level of service provider to improve effectiveness of the processes?**

**48. What should be the framework to improve the effectiveness and acceptability of the Appellate authority as an independent and impartial body? Provide details of the proposed framework.?**

With more than 10 operators in each service area and the tariffs no longer differentiating factor, the only differentiating factor will be the QoS and customer services. The service providers should be free to have any feed back mechanism to meet the end. It is suggested that the Authority should not micro manage.

**49. In your opinion, what should be the maximum time period for deciding an appeal by the Appellate Authority?**

The Authority has provided maximum of three months for the Appellant Authority to decide an appeal. Considering the complexities involved in an appeal before the Appellant Authority, the existing time framework of three months may be minimum required for settlement of an appeal. **It is therefore suggested that the existing time framework of three months may be maintained for deciding an appeal by the Appellant Authority.**

**50. What should be the time limit within which the information about itemized usage charges should be provided on request from a pre-paid customer?**

The itemized bill details should be provided within 15 days.

**51. Can you suggest further measures to effectively control provision of value added services without explicit consent of the subscriber? Kindly provide details of proposed framework**

- a. A policy protecting the rights of consumer against unsolicited VAS must be available. The existing guidelines for taking double confirmation if service is offered through OBD etc is

sufficient to protect consumer interest. These guidelines should be strictly followed by all operators.

- b. Transparent customer communication strategy for new product launches to be incorporated.

**52. In your opinion, what more should be done to increase effectiveness of consumer education?**

All necessary information to be made available to customers through multiple channels like website, CC SMS campaigns, OBD etc.

**53. How effectiveness of web based Consumer grievance redressal mechanism can be increased?**

The complaints received through web based consumer grievance redressal should be addressed in a time bound manner. The quality of resolution for redressal can boost the subscriber confidence and effectiveness of web based redressal mechanism.