



VIL/LT/15-16/207
26th May 2015

Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg, Old Minto Road
New Delhi-110002

Kind Attention : Shri A. Robert J Ravi, Advisor (QoS & CA)
Subject : Response to Draft Amendment (Eighth) to the Telecom Consumers Protection
(Eighth Amendment) Regulations 2012

Dear Sir,

This is with reference to the draft amendment issued by TRAI on 29th April 2015.

We are pleased to submit our comments and views on the Draft Amendment (Eighth) to the Telecom Consumers Protection Regulations, 2012.

We hope that our submissions will merit your kind consideration and support.

Thanking you

Yours Sincerely,
For **Vodafone India Limited**

P. Balaji
Director - Regulatory & External Affairs

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Vodafone's Response to the Draft Telecom Consumer Protection (Eighth Amendment) Regulations, 2015 dated 29th April 2015

A. Activation & Deactivation of Data Services

The key issue raised by this draft amendment is the proposal to regulate the method for activation of data service ie only through IVR & SMS by dialing to 1925. In this regards, we wish to submit the following :

1. Majority of the new mobile customers, of which youngsters, youths and students form a large proportion, are acquiring a mobile connection for primarily seeking access to the internet for browsing or use of Apps. The first thing that such customers seek to check out after activation of the SIM is whether the data is working or not. Calls and SMS have, today, become a secondary use for a large section of the subscriber. Therefore, to add another layer of network level activation for access to the web is highly undesirable and would create dissatisfaction amongst subscribers which would also lead to increased complaints, grievances and calls at our call centres.

As an example, 57% of our Mumbai circle subscribers are using data services and 50% of the subscriber base is using smart-phone hand-sets. Infact, due to the availability of user friendly applications, the language barrier (since net is primarily in English which a large section of our population is not suitably trained for) is fast disappearing and the rural and non-English speaking population is also experiencing and enjoying the enrichment of their lives that internet access is providing.

2. Smart-phones have an inbuilt mechanism to Start or Stop the data usage. Infact, there are logical choices available regarding toggling between Wi-Fi & Mobile Data or prioritizing Wi-Fi over Mobile data or to keep mobile data switched off. These start stop mechanisms are highly responsive and deliver results to the customer in seconds. Building an additional network level layer for Start Stop will only add to the confusion and delay in data activation.
3. The country, through the vision of the Honble PM, is ushering in the Digital India revolution. As part of Digital India, customers especially from rural India will be opting for various M-Governance schemes like Jan Dhan Yojana and many others. This access will be overwhelmingly through a mobile device. Keeping the mobile SIM on a default data de-activated mode is contrarian to the above vision.
4. The customer exercises his options for a tariff plan with various options and services through the Customer Acquisition Form. By this proposed regulation, the right to exercise a suitable tariff option is being removed, and this is a disservice to the subscriber. Buying a STV or a Combo voucher has always been considered a consent in itself. The customer having made the payment would stand to lose the validity and benefits while he attempts to provide the additional level of consent through the IVR/SMS mode.

5. We appreciate the fact that the Authority has been receiving complaints from customers in regards to data charging and bill shocks. However, we respectfully submit that these complaints are too less in numbers to make an inference of a market failure in existence. Even our own internal complaint counts indicate very less complaints of this nature. We would request TRAI to transparently share all data related complaints for a proper analysis. And we strongly believe that this can be resolved by customer education and alerts as has been suggested in this proposal.
6. A customer buying a smart phone, itself is an indication that he desires to use data services. Each customer getting activated on our network provides an explicit consent while opting for the desired tariff. A customer opting for a 3G/4G connection would, without any doubts, desire data connectivity by default.
7. While our license permits for Voice, Video and Data as part of our core service offerings, we have always provided facility to our subscribers to be able to request and deactivate ISD, Roaming, STD and data facility.
8. Prohibiting data activated as a default service, for safe-guarding against a few customer complaints, will be a great disservice to a large number of new subscribers wanting to get onto the data revolution.

We are therefore of a strong opinion that data should continue to be activated by default in the newly acquired mobile connection.

We also wish to submit that as a voluntary joint industry initiative we had commenced work on an easy method of de-activation and re-activation of data services through SMS & IVR mode by dialing on level 1925. This platform is ready and we are now in the process of launching the same and also educating and advertising this facility to the subscribers.

On similar lines to the DND registration, we will provide the customer an option to deactivate the data services if he so desires at the time of acquisition itself. We shall also make all other efforts including SMS blasts to educate this facility to deactivate data services.

However, the activation of data based on the explicit customer consent through the CAF process and explicit customer consent on purchase of Data STVs, Data Combo Vouchers should continue to be permitted.

B. Information to consumers on data usage

We are broadly in agreement for providing information to the consumer. However, anticipate a few customer experience issues and also a few technical challenges for which we request a few modifications to the proposal.

1. For Data base tariff/ Pay-as-you-go Prepaid customers, due to the continuous nature of the customer's subscription, is it logically difficult to design an alert providing cumulative data use. Therefore, for prepaid, we strongly urge the Authority to slightly modify the regulation so that we inform the customer the details of that particular session.
2. For an active data user using a high speed - 3G/ 4G connection, we anticipate that the messaging after every 5MB of data usage would give a very poor experience to the subscriber. Statistically speaking the lower data consuming subscribers are prepaid subscribers. Therefore, while we are in agreement with the 5MB alert for prepaid, we propose that for our Postpaid subscriber the alerts should be at intervals of 25MB.
3. For the technical implementation of all the proposed alerts and messaging, we will require a minimum time period of 4 months for the implementation. We therefore urge the Authority to give sufficient time, as requested above, for the implementation of the regulation.

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