VIL/LT/17-18/ 192
September 28, 2017

Shri S.T. Abbas,
Advisor (Networks, Spectrum and Licensing)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg, Old Minto Road,
New Delhi - 110 002

Subject: Vodafone India comments to Draft Telecommunication Mobile Number
                     Portability (Seventh Amendment) Regulations, 2017 dated 16.08.2017

Dear Sir,

This is in reference to the TRAI's captioned draft regulation dated 16.08.2017.

In this regard, please find enclosed Vodafone's comments at *Annexure-A*, to the Authority's Draft
Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2017 dated 16.08.2017.

We hope our comments would merit your kind consideration and support, please. If required, we would be
happy to explain the same in detail and in person.

Thanking you,

Yours sincerely,

For **Vodafone India Limited**

Sundeep Kathuria
EVP-Policy & Regulation, Regulatory Affairs

Encl: As stated above

Vodafone Comments to TRAI's Draft MNP Regulation

1. Proposed Amendment No.1

In regulation 8 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) (hereinafter referred to as the principal regulations), in sub-regulation (4) at the end, after the word "code", the words, "and a copy of the content of SMS containing the Unique Porting Code alongwith the mobile number of the subscriber, shall be forwarded to the concerned Mobile Number Portability Service Provider of Mobile Number Portability zone to which the mobile number range holder of the number under porting belongs" shall be inserted.

3. In regulation 9 of the principal regulations:-
(a) For sub-regulation (4), the following sub-regulation shall be substituted, namely:-
"In case there is no pending porting request in respect of the mobile number referred in sub-regulation (1), the Mobile Number Portability Service Provider shall verify that the Unique Porting Code received from the recipient operator matches with the content of the Unique Porting Code generated and shared by the Donor Operator under sub-regulation (4) of regulation 8.";

(b) after sub-regulation (4), the following sub-regulations shall be inserted, namely:--
(4a) "Where Unique Porting Code is either not matching with the Unique Porting Code generated by the Donor Operator under sub-regulation (4) of regulation 8 or has expired, the Mobile Number Portability Service Provider shall not take any action on the request and shall inform the Recipient Operator accordingly, who shall thereupon communicate the same to the concerned subscriber.
(4b) In cases the Unique Porting Code entered by the recipient operator matches with that of the Unique Porting Code generated by the Donor Operator and has not expired, the Mobile Number Portability Service Provider shall forthwith forward the details of such request alongwith scanned copy of the authorization letter in case of corporate mobile number to the Donor Operator for seeking his clearance for such porting".

Vodafone Comments:

We feel this is a step in right direction which would help the consumer and also reduce number of porting rejections. Presently, around 3-4% of total porting requests, are rejected under the UPC mismatch criteria and approx. 1-2% are rejected under UPC expiry criteria.

Therefore, in our view, it would not be reasonable to share details of all UPCs with an external party for storage. We would also like to submit that details of subscribers (MSISDNs) who have generated UPC thus indicating their wish to port out of a TSP, is a commercially sensitive information and prone to misuse. Therefore, we recommend that caution must be exercised and principle of 'need to know' and 'need to have' must be followed in dealing with this information.

Considering above, we would like to submit that all UPC upon generation should not be shared with MNP service provider (MNPO) and would like to submit an alternate proposal with similar benefit but, different flow of information, as follows:

Alternate Proposal:
Once a porting request is raised and sent to MNPO by Recipient operator (RO), MNPO system should query the Donor Operator (DO) system to seek the UPC and its expiry details. Post receipt, MNPO should check and respond back to the RO. At no point, MNPO should retain this information.

Also, TRAI should consider mandating following:

- Laying down specific data security norms to be followed for this information by MNP service providers.

- No further option beyond 2nd attempt of wrong UPC being punched by RO else it may get misused and give rise to hit and trial practices.

2. Proposed Amendment No 2:

4. In regulation 14 of the principal regulations, in sub-regulation (5), after the words "such outstanding bills" and before the words "to the recipient operator", the words, "including date of the bill, amount outstanding, last date of payment, date of the notice and period of notice given to the subscriber" shall be inserted.

Vodafone Comments:

We support this change.

3. Challenges in Proposed amendment No.1 and No. 2

With regard to the both of the above proposed amendment No.1 and no. 2, please note there would be following challenges:

a) Currently existing connectivity of MNPO exist with NPG system only, where UPC information is not available.

b) There could be two possible options –
   - Enhancement of NPG functionality to catering UPC information.
   - New interface to be developed between MNPO and UPC application.

c) Change is required in multiple applications like (EAI, NPG, Amdocs Billing System, Collection system, CRM, DWH/MIS) to implement above required like "including date of the bill, amount outstanding, last date of payment, date of the notice and period of notice given to the subscriber".

d) Substantial financial impact for changes in respective applications.

Considering above, it would take at least 6 months to development and implementation time.

Additional Points

Besides above, there are various issues which are affecting customer satisfaction and our processes thus, would need to be addressed through amendment to the regulations.

4. No porting charge owing to proposed amendment no.1:

TRAI has notified Porting Charge of Rs. 19/- to be paid by the subscriber to the Recipient Operator (RO) vide Telecommunication Tariff (49th Amendment) Order, 2009 and thereafter Rs. 19/- is paid by RO to MNPO as per port transaction charge, vide TRAI regulation Telecommunication Mobile Number Portability Per Port Transaction Charge and Dipping Charge regulations, 2009. Both these charges are linked to each other.

For the cases where the MNPO will check the porting request and send back to RO due to UPC mismatch or UPC expiry, there is no porting request transaction which materializes.

In interest of subscribers, No Porting charge and/or per port transaction charge should apply for disallowance of a porting request or alternatively, no subsequent porting request (if applicable) to be charged for the same number from the same Recipient operator, for next 15 days.

5. Porting withdrawal process

As per MNP regulation (extract given below), customers can make request for withdrawal of their porting request vide regulation no. 13.

> **"13. Withdrawal of porting request....**
>
> *(1) A subscriber may, within twenty four hours of making a request for porting, withdraw such request by informing the Recipient Operator in writing:*
> *Provided that a subscriber withdrawing his porting request shall not be entitled to any refund of the porting charge paid by him to the Recipient Operator.*
> *(2) Where the Recipient Operator has not forwarded the porting request to the Mobile Number Portability Service provider till receipt of the information regarding withdrawal of the request, it shall not take any further action on such porting request.*
> *(3) In case the Recipient Operator has already forwarded the porting request to the Mobile Number Portability Service provider, before receipt of the information regarding withdrawal of the request, it shall forthwith inform the Mobile Number Portability Service provider about the withdrawal of the porting request and the Mobile Number Portability Service provider shall forthwith inform the Donor Operator about the withdrawal of the porting request.*
> *(4) In cases covered under sub regulation (3), the Recipient Operator shall be liable to pay the applicable Per Port Transaction charge to the Mobile Number Portability Service provider."*

- However, there are instances where TSPs acting as RO, are not following above provisions and not allowing customers to withdraw their porting requests, even if it is made in writing through email. In some cases, it has been rejected stating there is no such procedure and customer has to approach DO for porting rejection or subscriber need to physically visit RO's store/place where documents were submitted.

- Thus, there are adequate cases in present scenario of RO not acting on these requests and may create process hassles for consumers to discourage them from withdrawing their porting request, perhaps with known commercial interest; it is imperative that this impasse is resolved by TRAI through consumer friendly, electronic and verifiable process, giving adequate choice to consumers.

- Also, for cases where RO is not acting upon the porting withdrawal requests, Donor operator should be allowed to reject.

- TRAI has already provided option of withdrawal of porting request thus, recognizing legitimate consumer concerns e.g. where customer is influenced by the Retailer at multi brand outlets and has impulsively reacted to it while after some time the subscriber may re-assess and choose to stay back with existing TSP (DO). In such scenario, unfriendly withdrawal process is against consumer interests and there is a need to simplify the process, to enable consumer to easily opt-out.

- An unfriendly process leads to consumer getting locked with RO (not his choice of TSP) for at least 90 days whereas a friendly process will increase consumer's trust.

  There could be different approaches for the SMS based cancellation i.e.:

  i. Option 1: SMS to both DO and RO
  ii. Option 2: SMS to DO
  iii. Option 3: SMS to MNPO (can be also through a Toll free number via voice call)

  It is pertinent to mention that above proposals were earlier raised by Industry associations jointly vide letter number JAC/2012/008, dated 23.01.2012, copy enclosed for reference please.

  Therefore, we recommend following customer friendly changes:

  a. <u>To be made consumer friendly:</u> Besides request in writing (which can be through paper or email), SMS based withdrawal through a short code, should also be allowed. It is consumer friendly as consumer can raise a verifiable request from any place/time at his own choice.

  b. <u>24 hours not sufficient</u>**:** With SMS based process, it is possible to increase the timeline during which porting request can be withdrawn, from existing 24 hours to at least 72 hours. For written request based process, 24 hours should be increased to 48 hours, in consumer's interest.

  c. When consumer sends request for withdrawal – it should lead to UPC being expired, to avoid misuse. Consumer can generate UPC subsequently as per choice and 15 days period should not apply.

  d. Porting withdrawal process should apply for Corporate porting cases also basis withdrawal request from Authorized signatory.

6. **Rejections of Corporate Porting request due to invalid/missing authorization letter:**

   As per existing provisions of MNP regulations, 2009 (as amended from time to time), the Recipient operator is bound to provide authorization letter along with a Corporate porting request recognized through UPC with 'C' prefix. However, there have been cases wherein many requests are being sent to Donor operators with missing authorization letter, which while it is non-compliance at RO's end, it inflates the porting rejection count at DO's end.

   Therefore, with the intent to reducing porting rejection arising from proposed amendment no 1, we recommend that no corporate porting request (identifiable through UPC with 'C' as prefix) should be sent to Donor operator by MNPO, if the authorization letter is not present.

7. **NPD – Disconnections in 30 Days as per MNP regulations**:

We have many customers who are willing to/ make payments even after 30 Days. In this case if we do not have provision for same, it is very harsh on customer that Number is disconnected & returned to MCH. The customer is without his number & services too.

We propose the below process which is still in line with the MNP regulations & customer centric too:

Current Process – From the date of NPD request raised by DO, below dunning process is followed
   a) 15th day – OG barring
   b) 30th day –Disconnection
   c) Communication is sent to MCH that the number will be returned to original operator after 60 days

Proposed process – From the date of NPD request raised by DO, below dunning process is followed
   a) 15th day – OG barring
   b) 30th day – Temporary disconnection
   c) Communication to be sent to MCH that the number will be returned to original operator after 60 days.
   d) Within next 30 days from temporary disconnection, if Customer clears outstanding and produces relevant proofs to the RO, the number should be reconnected and communication to be sent to MCH about Number reconnection and number return process aborted.

E.G. of the above proposed process with dates:
   a) 1st Aug – Request raised through MCH as AIRTEL payment pending
   b) 15th Aug – OG Barring
   c) 30Th Aug- Temporary disconnection
   d) If customer submits relevant proofs of having cleared Outstanding by 30th September, the number will be reconnected and communication will be sent to MCH about Number reconnection and number return process aborted.

8. **Number return – should be Automated:**

It has been observed that some TSPs do not follow automated numbering return process, which is leading to number return process not being followed diligently and leading to non-compliance. Delay in number return leads to inefficient utilization of scarce numbering resources, wherein such numbers remain in holding and non-usable state due to process inefficiency with some TSPs.

We request that TRAI should mandate automated number return process such that the number is immediately returned to Number range holder immediately after the TRAI mandated period of 60 days, and the number range holder can optimally utilize the same.

9. **Exemption from non-payment disconnection (NPD):**

In consumer's interest, we recommend that no NPD request should be raised for outstanding dues less than Rs 50.

10. **Age on Network to be counted from Service Activation:**

In the MNP regulations, the regulation 6 (a) prescribes one of the criteria for eligibility of porting request as more than 90 days from date of activation, extract of regulation as follows:

"6. Eligibility Criteria for making a porting request.--...
Every subscriber shall be eligible to make a request for porting his mobile number:
Provided that---
(a) a period of ninety days has expired from the date of activation of his mobile connection in the case of a mobile number not ported earlier; or from the date of activation of his mobile number after its last porting, in the case of a mobile number which has been ported earlier, as the case may be; ......"

In continuation to the submissions made vide our letter number VIL/LT/16-17/589, dated 31.01.2017 (which may be read as part and parcel here also), we earnestly believe that the date of activation should be treated when the customer makes a call himself for tele-verification and post positive tele-verification the connection becomes active for service usage and the service delivery and customer's lifecycle management starts.

Thus, for MNP regulation and process perspective, we request to consider the date of activation as the date of tele-verification.

11. **Performance threshold of 98% for Activation/deactivation in 2 hours:**

The MNP system flows have dependency on various internal network and IT systems such as HLR, IN, CRM, EAI, billing etc. and owing to continuous updations in technical systems to improve performance or due to network latency issues, occasionally, downtime of such systems are taken for planned/unplanned activities, which results into delay in activation/deactivation during said downtime period.

Based on practical experience, we recommend that the benchmark for activation/deactivation within 2 hours, should be measured with performance threshold of 98% excluding network downtime/latency related issues.

NEW DELHI
September 28, 2017