



VIL/LT/12-13/86  
3<sup>rd</sup> September 2012

Telecom Regulatory Authority of India  
MTNL Telephone Exchange Building,  
Jawahar Lal Nehru Marg, Old Minto Road,  
New Delhi - 110 002

**Kind Attention : Shri Sanjeev Banzal, Advisor (NSL-II)**  
**Subject : Draft regulations on "Telecommunications Mobile Number Portability (Fourth Amendment) Regulations 2009"**

Dear Sir,

This is with reference to the Draft Regulation issued by the Authority on 3<sup>rd</sup> August 2012 on the captioned subject.

We are pleased to submit our comments and views on the Draft regulations on "Telecommunications Mobile Number Portability (Fourth Amendment) Regulations 2009".

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

Thanking you,

Yours sincerely,

**For Vodafone India Limited, Vodafone Mobile Services Limited, Vodafone West Limited, Vodafone South Limited, Vodafone Digilink Limited, Vodafone Cellular Limited, Vodafone Spacetel Limited and Vodafone East Limited.**

A handwritten signature in blue ink, appearing to read "Sundeep Kathuria", is located above the typed name.

**Sundeep Kathuria**  
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## Vodafone's response on Draft Telecommunication Mobile Number Portability (MNP) (Fourth Amendment) Regulations, 2012

At the outset we submit that the Authority should consider the fact that the operators have invested huge amount of money and efforts to deliver better porting experience to the customer and to ensure compliance.

We understand the intent of Authority, however, we kindly request for a re-consideration of the proposed amendment. So that it is consistent with the provisions of the TRAI Act.

However, in case the Authority wishes to proceed with any such amendment to the MNP Regulations for incorporating financial disincentives, the same should be based on a graded/ slab-based approach. This would incentivize the operators to put in the extra efforts to achieve compliance but will also give them cushion against the un-avoidable factors causing delay in the processes. We also believe the disincentive should not be unreasonable high.

Our point-wise response is provided below:

- 1) **TRAI Regulation:** *"(1) If any service provider contravenes the provisions of sub-regulation (6) of regulation 8 or regulation 10 or sub-regulation (4) of regulation 11 or sub-regulation (6) of regulation 11, it shall, without prejudice to the terms and conditions of its licence or the provisions of the Act or rules or regulations or orders made, or, directions issued, thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding five thousand rupees for each contravention, as the Authority may, by order direct:*

*Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority."*

- **Sub Regulation 4 of Regulation 11** states that the Donor Operator (DO) on the receipt of the instructions from MNPO for the disconnection of mobile number immediately and in any case within **one hour of receipt** of such instructions, comply with such instructions; and report compliance of such instructions to the MNPO.
- **Sub Regulation 6 of Regulation 11** states that the Recipient Operator (RO) on the receipt of the instructions from MNPO for the activation of mobile number immediately and in any case within **one hour of receipt** of such instructions, comply with such instructions; and report compliance of such instructions to the MNPO.

For completing the activation and de-activation procedures within the specified time limits, one key stakeholder is the MNPO. The time lines depend upon the MNPO's performance – the rate at which the MNPO pushes Porting requests to our systems.

We have noticed that the MNPOs tend to push the entire day's porting requests within the first few hours of the porting window peak time load is very high in early hours, thereafter system is relatively idle. Due to the excessive load, the system, for that particular point in time gets choked and may cause delays. For the rest of the porting window, our systems are comparatively idle. This has been brought to the notice of the Authority.

**Due to the above reasons, it is evident that this parameter is not completely in our control. Therefore, it is unjustifiable to impose a financial disincentive on a parameter which is not in the operator's controls. We request the Authority not to notify this clause in the amendment.**

- **Regulation 8 sub Regulation 6:** Recipient Operator (RO) shall, **24 hrs**, forward the mobile number, the corresponding UPC and the date on which porting request is made by the subscriber, to the concerned Mobile Number Portability Operator(MNPO).

It is submitted that on 09 August 2012, DoT has issued the revised guidelines on subscriber verification. These guidelines are exhaustive and stringent. The industry is currently in the process of over-hauling the entire Customer acquisition systems to comply with these new guidelines.

Due to the implementation of these guidelines, meeting the timelines of 24 hours for forwarding the MNP request to the MNPO (from the time the customer walks-in to the POS and places his request) will be impossible for 100% cases, especially for the large circles (in terms of geography).

**Therefore, we request the Authority to kindly enhance this timeline of 24 hours. Imposing a financial disincentive on this parameter, at this stage will be unjustified. We request the Authority not to notify this clause in the amendment.**

- **Regulation 10** provides that upon receipt of the details of porting request from MNPO the Donor Operator (DO) shall, within **4 working days** verify such details and communicate to the MNPO its clearance of porting request or rejection of request with the ground of rejections.

As per the existing MNP regulation, beyond the stipulated timeline of 4 days, in case of no response from the DO, deemed acceptance of the porting request of DO will be considered by the MNPO. MNPO thereafter can send an acceptance confirmation to the RO for further processing of the port request. Thus, the port-out happens even if there is no response from DO. Neither the MNP process nor the customer experience is disadvantaged in any way whatsoever. Therefore, there is no justification for a financial disincentive.

By no means, does this imply that we take the regulation lightly and we are committed to meeting the 4 day benchmark.

**However, we feel that imposing a financial disincentive for this parameter is not justified. We request the Authority not to notify this clause in the amendment.**

**2) TRAI Regulation: "(2) If any service provider contravenes the provisions of regulation 12, it shall, without prejudice to the terms and conditions of its licence or the provisions of the Act or rules or regulations or orders made, or, direction issued, thereunder, be liable to pay amount, by way of financial disincentive not exceeding ten thousand rupees for each wrongful rejection of the request for porting, as the Authority may, by order direct:**

***Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority."***

There are instances, at times, when a unanticipated situation arises and there may be a genuine cause for rejection. By notifying this regulation, the flexibility of the Authority may be reduced and operators may get penalized despite a reasonable cause.

As an illustration, in the case of a Corporate/ bulk connection, the user of the telephone connection is not the Subscriber (subscriber is actually the Authorized Signatory in whose name the CAFs are registered). Currently,

such rejections do not have a dedicated rejection code provided in the regulation. The industry has brought this issue before TRAI. We submit that in absence of any clarity the financial disincentives cannot be imposed.

We also take this opportunity to request TRAI to stream-line the process of Port cancellation request by the subscriber (after he has made the porting request). Operators receive requests from customers who change their mind at a late stage; however, despite their request they continue to get ported out. This issue has also been highlighted to TRAI. If this issue is addressed, it will help further improve reduce customer grievance and improve efficiency in the process.

**We kindly request the Authority not to introduce this above amendment. However, in case the Authority still wants to notify the proposed amendment, the financial disincentives should be based on a graded/ slab-based approach with proper benchmarks. This would incentivize the operators to put in the extra efforts to achieve compliance but will also give them cushion against the unavoidable factors causing the rejections.**