

03rd Sep 2012

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Sub: Idea Cellular's response to the TRAI Consultation Paper on "Review of The Telecom Commercial Communications Customer Preference Regulations, 2010"

Dear Sir,

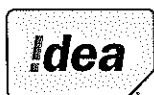
This is with reference to the Authority's invitation for comments on the above-mentioned Consultation. In this regard, you may note that Idea Cellular endorses the views expressed by COAI on this issue. In addition, we have the following comments:

- Implementation of the TCCCPR has been one of the most challenging and complex tasks for Indian operators in the recent times.
- In addition, substantial investments have been made by all operators to ensure proper implementation of the TCCCPR which has resulted in a substantial reduction in the number of complaints related to UCC.
- The biggest challenge to the success of TCCCPR has been from unregistered telemarketers who remain unmoved by any punitive action.
- We are thus of the view that this issue can only be tackled effectively through a legislation enacted by the Parliament, similar to the privacy laws in some countries.

Our views on the various proposals and queries listed down in the Consultation Paper are as follows:

On the proposal to block delivery of SMS from the source or number or entity sending more than a specified number of promotional SMS per hour with similar signatures:

- We have already implemented at a global level in our network, the capability to block bulk SMS, if required.
- However, Implementation of the above at an individual level, as proposed in the Consultation Document, shall require setting up of additional capabilities with cost ramifications.
- Further, the proposed solution, once implemented, is also likely to result in blocking of SMSs from genuine customers leading to considerable avoidable inconvenience.



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- The proposal also appears to run contrary to existing High Court and TDSAT judgments on a similar issue.
- We strongly recommend that the TRAI first conduct a detailed study on the effectiveness of such a proposal in consultation with all stakeholders before proceeding further.

On the proposal to mandate TSPs to obtain an undertaking / agreement from registered telemarketers and other transactional entities in case of outsourcing of promotional activities:

- At present telecom resources are provided to Telemarketers and bulk SMS senders only after execution of an agreement and an undertaking that binds them to the provisions of the TCCCPR Regulations.
- It is not recommended that the TSP get into the territory of trying to control or monitor the outsourcing activities of such entities by extending the scope of its agreements.
- However, as the prevailing Regulation provides for mandatory registration of every Telemarketer with the Authority before allocation of telecom resources from the TSP, the Authority can consider the option of including seeking of such an undertaking from the TM an integral part of its TM registration process.

On the proposal to disconnect telecom resources after ten violations of entities for whom the promotion is being done:

- At present, the practice is to issue warning to unregistered TMs on first offence and disconnect at the second based on receipt of complaints from customers.
- The proposal to take action against the MSISDN appended at the foot of the UCC is fraught with legal flaws and is also operationally difficult to implement and validate.
- Further, there is vast scope for misuse of the provisions by unscrupulous elements leading to instances of dissatisfaction and inconvenience of genuine customers.
- TRAI's recent mandate of prescribing 5 paisa SMS termination charges for the promotional messages was in a way a step in the right direction. However, since the scope of the charge was limited only to the messages originating from registered Telemarketers, it resulted in offering a strong incentive for unregistered telemarketing activity that increased many fold. We strongly believe that TRAI should consider imposing a uniform SMS termination charge of 10 paisa for all SMS to put an end to this arbitrage and the resultant shift of telemarketing activity from registered telemarketers to unregistered ones.

On the proposal to implement facility for lodging UCC related complaints on the website of service providers:

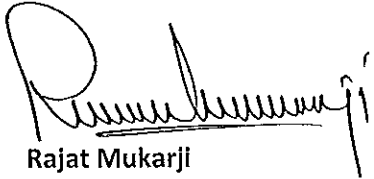
- The current mechanism of registration of a complaint by the subscriber via voice call or SMS to 1909 is working well.
- Currently, we have a facility for registration of all types of complaints including those related to UCC through our website. However, if required, a facility specific to UCC related complaints can also be developed.
- A response time of 48 hours from the time of submission of complaint on the website / receipt of e-mail is a just and fair turnaround time in our opinion.

We are confident that the TRAI will consider our submissions before formulating any views on the issue under discussion.

Thanking You

Yours faithfully,

For IDEA Cellular Limited.

A handwritten signature in black ink, appearing to read 'Rajat Mukarji', written over a horizontal line.

Rajat Mukarji
Chief Corporate Affairs Officer