

**Idea Cellular Response  
to  
TRAI Consultation Paper  
on  
Network Testing before Commercial Launch of Services  
issued on May 01, 2017**

**Introduction:**

- I. **Inordinate delay / lackadaisical approach of TRAI:** At the outset, it is submitted that we fail to appreciate the inordinate delay of almost 9 months from the TRAI in taking up a Consultation on this critical issue. We understand that the background to the reference from DoT was for TRAI to examine whether a recent new entrant (*who had taken a license more than 5 years ago and commenced protracted trials only in December 2015 – which continued for more than 10 months before commercial launch in September 2016*) could have enrolled millions of subscribers before the commercial launch of services and during the test period. Curiously, the issue was initially raised by the TRAI itself to DoT in June 2016 and upon DoT asking it to examine the issue, the TRAI sought a formal reference from DoT which it received in the month of Sep 2016. This clearly implies that the Authority was already aware that this would be / could be / was an issue, else the matter may not have been referred to the Licensor. Further, that the Consultation has only been issued on 1<sup>st</sup> May 2017 even after having received the formal reference from DoT almost 9 months back clearly demonstrates the lackadaisical approach of the TRAI towards dealing with such a critical issue which has resulted in a plethora of problems that are ailing the entire Telecom Industry for over a year now.
  
- II. **No Grey Area or Ambiguity in Licensing Conditions to warrant a Consultation on the issue:** It is further submitted that we find no scope for a grey area or ambiguity pertaining to the network testing that should have warranted discussion by way of the present consultation. The Licensing Conditions and the time-tested practices prove beyond an iota of doubt that enrollment of millions of subscribers in the test period and before the commercial launch is not permitted under license. As such, the millions of subscribers enrolled by the new entrant was a blatant violation of the licensing conditions. That the concerned operator was offering free services to millions of test users alongside services bundled with specific devices was highlighted to the TRAI at regular intervals, though till date no action has been taken by the Authority in response to such concerns. **The conduct of the TRAI on this specific issue thus raises serious questions on the Authority's approach towards this issue qua the guiding principles of fairness & transparency**

That said, kindly note that some of the issues raised in this Consultation are part of the proceedings at various legal forums and hence our submissions (*both above and below*) are without prejudice to the same. Further, it is also submitted that our query-wise submissions need to be read in conjunction with our other comments mentioned as part of the introduction.

### Query-Wise Submissions:

- Q1. Should a TSP be allowed to enrol subscribers as test users and in such case, should there be any restrictions on the number of test SIM cards and the period of such use? Please justify your response.**

#### Idea Submission:

- 1. It is submitted that there cannot and should not be any enrollment of subscribers during the testing Phase.** This is because as on date neither is there an existing provision in the DOT license / guidelines/ orders to carry out such enrollments, nor is there a need for the same. It is pertinent to mention here that over more than last 20 years of cellular telephony, the DoT Licensing Conditions, its various letters and the TRAI regulations all indicate to the non-existence of any such provision.
- 2. Testing Activities as per the license are on installations, equipment, applicable systems and interfaces and does not cover / permit Test Subscribers :** We would like to highlight that several activities, as per the license conditions are required to be completed before the commercial launch and Roll-out of services (*before Roll-out certificate is provided to the operator*). Some of these are :

***Provision of Service:** The Licensee shall be responsible for, and is authorized to own, **install, test and commission all the Applicable systems** for providing the Service authorized under this License agreement. The Licensee shall intimate to the Licensor well in advance before the proposed date of commencement of any service in any Service Area containing the details of network and required facilities for monitoring of the service installed by the Licensee. Any service, permitted under the scope of this License Agreement, shall be commenced by the Licensee only after prior approval of the Licensor. The approval shall normally be granted within 90 days from the date of receipt of such intimation provided that the Applicable System/Service is broadly compliant to the scope of the License and requisite monitoring facilities are successfully demonstrated by the Licensee. **(Clause 7)***

*“The **Licensor or TRAI may carry out performance tests** on Licensee’s network and also evaluate Quality of Service parameters prior to grant of permission for commercial launch of the service, after successful completion of interconnection tests and/ or at any time during the currency of the LICENSE to ascertain that the network meets the specified standards on Quality Of Service (QoS). The LICENSEE*

*shall provide ingress and other support including instruments, equipment etc., for such tests.” (Clause 29.4)*

*“The Licensee’s network shall be compliant to the Regulations/Directions/instructions issued by TRAI/Licensor in respect of Mobile Number Portability (MNP) before commencement of mobile services.” (Clause 4 under Chapter VIII)*

**A perusal of the above-mentioned licensing clauses clarifies beyond doubt that the testing is confined only to the networks and does not cover /permit test subscribers. We further believe that going forward also, the same practice needs to be continued.**

3. **Enrollment of subscribers in the testing phase is not allowed: It is further submitted that the license definition of subscriber does not anywhere acknowledge the existence or need for a ‘test’ subscriber.** This is further substantiated by the DoT letter dated 29<sup>th</sup> Aug 2005 which refers to provision / distribution of test cards to Business Partners, and roaming operators for checking out of the QoS. There is thus no concept of “subscriber” in the context of testing phase and any non- revenue earning SIM cards / subscribers as per DoT are limited to such test cards resting with the Business Partners / Roaming Partners, stock-in-hand, etc. and not the public at large. It is pertinent to mention here that usage of such test cards leads to non-generation of revenues to the Government that are otherwise accrued to its account on all TSP revenues on a revenue sharing basis.
  4. The current practice of issuing test SIM Cards to business partners including roaming partners and employees for the purpose of testing out the quality of service from time to time is a proven methodology and does not need to be changed.
  5. **Enrollment of subscribers - Regulatory implications:** We would like to submit that offering of full-fledged services during test phase (as was done by operator mentioned in introduction) has several Regulatory implications and is against the principle of level playing field. Thus, there should not be any enrollment of the subscriber in the testing Phase. Allowing enrolment of test users other than business partners / roaming partners / employees is likely to allow room for use of unfair practices as has happened in the recent past and allow the concerned TSP to offer full-fledged commercial services masquerading as test (load testing of the network) to evade various compliances and scrutiny. Such a practice is likely to also result in creation of all kinds of issues for other TSPs on various fronts such as IUC, pricing, QoS, revenues, fair competition, etc.
- Q2. To clearly differentiate test phase from commercial launch, which of the options discussed in Para 1.12 would be appropriate? Please provide justification. Please explain any other method that, you feel, would be more appropriate.**

**Idea Submission:**

1. We are of the firm view that **testing should continue to be restricted to testing of installations and systems within one's own network.** Interconnection with other operators is primarily to inspect call transit & termination (through Pols) on other TSPs network. No load testing or protracted testing is necessary for checking interconnection with other TSPs network and all tests are thus primarily limited to testing parties own network.
  2. It is further submitted that for the purposes of testing especially load testing, various simulation tools are easily available and there is no need for testing to be carried out on the live subscribers/users. The testing should ideally be restricted to own network by the concerned Licensee /TSP and in case of any load /stress testing, the same can be done by using mechanism such as loop back testing on own network instead of terminating test traffic on the live network of other TSPs. However, for testing with the other networks i.e. other TSPs, the same can be carried out using the test SIMs given to business partners and roaming operators.
  3. **Number of Test SIMs:** The MNP success story is already well known and has been the subject matter of extensive testing that contributed to its seamless working despite the PAN-India launch. It is pertinent to mention here that the scenario testing for MNP was accomplished using only around 69 SIMs per operator per Circle and stretching over a period of 10 days only. In that context, it can be confidently stated that for any kind of network Testing around 60 – 100 SIMs are easily sufficient.
  4. Further, as submitted under our response to Q1, there cannot and should not be any enrollment of subscribers during the testing Phase.
  5. The DoT 2005 Circular clearly provides that test cards [not subscribers] are permitted for business partners and roaming operators only. Even SIMs given to employees do not come under the definition of test cards.
- Q3. Do you agree that the provisions discussed in Para 1.13 viz. information to the subscribers about test SIM being temporary etc., should be put in place for the TSP testing its network involving test users/subscribers? Please suggest other provisions which should be mandated during test phase?**

**Idea Submission:**

1. As also highlighted earlier, it is submitted that there cannot and should not be any enrolment of subscribers during the testing phase. Further, we are of the firm opinion that the same restriction /

non-allowance should be allowed to continue. In view of the same, the requirement for informing subscribers about test SIM being temporary, etc. does not arise.

2. The current practice of issuing test SIM Cards to business partners including roaming partners / employees for the purpose of testing out the quality of service from time to time is a proven, well-understood and well-reported methodology and does not need to be changed.

**Q4. Is there a need to have a defined timeline for testing phase i.e. period beyond which a TSP should start offering commercial services? If yes, what should be the timeline? Please justify your response.**

**Idea Submission:**

1. Ideally, the testing of the network should start as soon as an operator can set up the network after winning the license / spectrum. In any case, an Operator has to meet the Roll out Obligations which is mainly to ensure that the Operator has provided adequate geographical coverage as per the license conditions. Testing of network should have been done much before that and even commercial launch can start well before that. **But, in any case, the testing period cannot extend beyond the date when self-certification of MRO obligation of the first DHQ/ Metro has been filed with the TERM Cell.**
2. Further, as highlighted in our response to question no. 2, the testing for MNP launch was carried out for a period of around 10 days only. Though an operator may want to load test its own network, such testing, as submitted should be limited to its own network and **should not last for more than a few weeks.** We fail to understand as to why a humongous 10 months were required by an operator in recent past for testing, that too while involving all TSPs. The negative Implications of allowing protracted testing are all too visible and the Authority needs to take cognizance of the same

**Q5. In case enrolling of subscribers as test users before commercial launch is allowed, whether subscriber related conditions and regulatory reporting requirements laid down in the license, be imposed for the test subscribers enrolled before commercial launch? Please provide justification to your response.**

**Idea Submission:**

1. We are of the view that subscribers cannot and should not be enrolled during the test phase.

**Q6. Should test users/subscribers of such licensees be given the facility of MNP? Please justify your answer.**

**Idea Submission:**

1. It is submitted that since there needs to be no enrollment of subscribers in testing phase and the testing SIM & numbers are in the nature of temporary assets, there cannot be any requirement or provision for MNP during the testing Phase.
2. Further, it is submitted that the current DoT Guidelines allows for only test cards (for Business Partners / Roaming Partners) and not test subscribers. On the other hand, MNP is only meant to be extended to migration of real subscribers and not for SIMs/test SIMs.
3. In view of the above, there is no rationale behind allowing or contemplating MNP during the test phase.

**Q7. If there are any other issues/suggestions relevant to the subject, stakeholders may submit the same, with proper explanation and justification?**

**Idea Submission:**

1. It is submitted that we are of the firm opinion that only 1 or 2 E1's have been and should continue to be considered sufficient for conduct of testing with the other TSPs. This is because the purpose of provisioning of test E1s between operators is to check issues such as exchange compatibilities, call/signaling flow etc. which can in fact be accomplished even with a single E1. This also has the advantage of being able to keep the volume of voice traffic being generated from the test cards under check and avert choking of the POIs / impairment of the QoS of other TSPs.
2. Further, as already submitted by us through various Letters and representations, a recent operator tested its network in 2016 before commercial launch, enrolled lakhs of test subscribers over and above its employees / business partners, and offered them full blown voice / data services free of cost. This under the garb that LTE/VoLTE is a new technology and that it needs to conduct test trials to estimate optimal network parameters for best throughputs under loaded conditions.
3. Such an action resulted in creation of a completely non-level playing field situation for other TSPs as the volume of Voice traffic generated by its test users totally choked the Points of Interconnect, thus impairing the quality of service which other operators could have potentially offered to their existing customers in terms of the level of call drops, network congestion and voice quality. This also led to

adverse implications around IUC, QoS, pricing and other regulatory aspects in complete violation of the level playing field for other operators.

4. While this consultation paper seems to be belated reaction to the above issue and aims to set in place, going forward, a clear framework and guidelines for network testing by TSPs before commercial launch, it is imperative that TRAI consider strict action as per License conditions and extant guidelines against such defaulting operator which has already misused network testing blatantly to circumvent regulatory requirements.

\*\*\*