

महानगर टेलीफोन निगम लि०

(भारत सरकार का उद्यम)

Mahanagar Telephone Nigam Ltd.

(A Government of India Enterprise)

CIN: L32101DL1986GOI023501



MTNL/RA/TRAI CP- Closure of Access Services/2016

Dated 09.01.2017

To,

The Advisor (NSL)
TRAI, New Delhi

Sub. : Comments on TRAI Consultation paper dated 30.11.2016 of "Issues related to closure of access services"

In reference to above cited TRAI consultation paper, the point wise comments are given below:

Q1. Is there a need for modification of the UASL and CMTS licenses in line with Clause 30.3(b) of UL, for those licensees who have liberalized their administratively allocated spectrum?

MTNL Comment: Similar access services are being provided by different TSPs through different licenses i.e. CMTS/UASL/UL. Accordingly, to maintain level playing, we feel that same provisions should be there in all these licenses for surrender of license or discontinuance of services.

Q.2 should discontinuation of services being provided through a particular technology, say CDMA, be treated same as discontinuation of any of the service under a Service Authorization as per Clause 30.3(b) of UL? Please provide details along with justification.

MTNL Comment: Yes. As per the existing license provisions, the spectrum acquired through auction / liberalized spectrum is technology agnostic i.e. any technology can be deployed by the licensee using that spectrum. Further, as per the UL license agreement, the licensee has to provide the details of the technology, proposed to be deployed for operation of the service, to the Licensor. Accordingly, in our opinion, the discontinuation of services being provided through any particular technology should also be treated in a similar way as discontinuation of any of the service under a Service Authorization as per Clause 30.3(b) of UL.

Q.3 what other conditions in these licenses be modified so as to keep pace with the developments? Please justify your answer.

MTNL Comment: In our opinion, to meet the above requirement, clause 30.3(b) of UL may be slightly modified & also make part of CMTS/UASL license (s), as per below:

*“Licensee may discontinue any of the service **being provided through any particular technology**, under a service authorization, to its subscribers, by giving notice to licensor and TRAI of at least 60 calendar days in advance with **full justification / reasons whatsoever**. In that case The licensor reserves the right to reject any such request.”*

Q.4 Stakeholders are requested to comment upon:

(a) Is there a need to define a time-limit for DoT to take into its records the prior intimation given by TSPs regarding the spectrum trading? Please suggest time-lines for different activities within the Spectrum Trading Process.

MTNL Comment: Joint intimation by the trading parties does not guarantee the trade of spectrum to actually take place due to fulfillment of various conditions by the parties. Once the timeline for prior intimation before trading is fixed & intimation to subscribers is fixed for discontinuity of services, the time limit for DoT taking into record of such spectrum trading should also be fixed. In this regard, we feel that the recommendations of TRAI dated: 28th February 2016 as spelt out under para 18 of the consultation paper appear to be logical and may suffice this requirement.

(b) Should the advance notice period to subscribers' be enhanced from 30 days period to say, 60 days, in case of closure of services so that a subscriber has sufficient time to consume his talk time balance? Please provide justification to your response.

MTNL Comment: As the fate of spectrum trading process is uncertain due to fulfillment of various obligations by the trading parties, it may be logical that subscribers may be given sufficient time to exhaust its balance talk time & migrate to some other network before discontinuation of services. Accordingly, the advance notice period to subscribers may be considered for enhancement to 60 days.

(c) If a TSP is selling its entire spectrum in the LSA and intends to discontinue its access services being provided to its subscribers, should the TSP give the 60 days' advance notice to Licensor, TRAI and its subscribers, only after the spectrum trading is acknowledged by DoT/WPC as suggested in Para 23?

MTNL Comment: Yes. It will be in the interest of the subscribers being served by the TSP, who is going to close down its services after spectrum trading.

(d) Give any other suggestion to improve the existing Spectrum Trading Process.

MTNL Comment: No comments

Q.5 What mechanism should be put in place to ensure that subscribers are informed about the closure of services/change of access technology transparently and effectively by the TSPs? Should TSPs be directed to follow a specified mode of communication(s) as detailed in para 30 for informing subscribers or what could be other mode of communications?

MTNL Comment: In case of change of technology, the TSP would like to continue the subscribers and will seriously & timely notify its subscribers about the same and pursue with the subscribers for migration to upgraded technology. However, in case of permanent closure of services, the TSP would not bother about the inconvenience of the subscribers at all and may not properly / timely intimate / notify the subscribers. Accordingly, in both the cases, it should be made part of regulation for the donor / seller TSP to notify the subscribers through bulk SMSs being sent daily/weekly etc. during the notice period and also intimate the subscribers through print / electronic media and public notices etc. Licensor may strictly monitor such events.

Q.6 Will it be appropriate that the responsibility of verification of time-period elapsed since the last porting (i.e. 90 days period) be shifted from MNPS to the Donor Operator so that subscribers' port-out requests are accepted irrespective of his age on network in case of closure of services?

MTNL Comment: In any case the subscriber(s) should not be penalized for the decision of its serving TSP by way of either change of technology / closure of services due to any reason whatsoever. Accordingly, in such cases, all subscribers should be allowed to port out the serving network

once the TSP has notified the subscriber for change of technology / closure of services. This should be allowed irrespective of the time period spent by the subscriber in the network to be closed.

Q.7 In case a TSP changes the access services technology and asks his subscribers to migrate to newer technology, should the tariff protection, carry-over of unused talk-time balance and benefits be extended to such subscribers upon migration to new technology for the contracted period?

MTNL Comment: The tariff plan offered by any TSP is for a particular service being provided. There is a possibility that in case of technology change / upgrade, the same tariff plan / package may not be available with the TSP in the upgraded network / services. However, in any case the protection of talk time balance should be assured & provided to the subscriber upon migration to new technology.

Q.8 How much time period should be given to the subscribers to port-out after closure of commercial services i.e. for how long the system should remain active to facilitate porting? Should the validity of the UPC in such cases coincide with such time period?

MTNL Comment: No comments.

Q.9 What other changes should be made in the MNP Regulation to ensure smooth bulk porting-out of the subscribers in the event of closure of access services or change of access technology by any TSP? Please provide justifications to your answers.

MTNL Comment: No comments.

Q.10 Will it be appropriate that the change of technology within a licensee (TSP in a given LSA) be removed from the definition of MNP?

MTNL Comment: Agreed.

Q11 Is there a need for an alternative mechanism to MNP for bulk transfer of subscribers from one TSP to other TSP(s)? If yes, please give suggestions.

MTNL Comment: Mobile number portability is a subscriber initiated process. Accordingly, subscriber has to ultimately choose the network to which he/she wants to port in. Bulk transfer of subscribers from one TSP to other TSP can be done in case of left out customers who despite several reminders from their serving TSP could not migrate due to one or other

reasons. *In our opinion, in such cases, these left out customers should not be left out & be bulk transferred to the state run TSPs like BSNL / MTNL as these TSPs are owned by the Govt.*

Q12 Should a TSP be allowed to transfer its subscribers, who have not been able to port-out to other TSPs before closure of service, to another TSP whenever the services being rendered by that TSP are going to be discontinued? What can be associated issues and challenges? Please provide details.

MTNL Comment: Pl refer comment under Q.11 above.

Q13 If there are any other issues relevant to the subject, stakeholders may submit the same, with proper explanation and justification.

MTNL Comment: No comment.


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