



Response to the TRAI Consultation Paper on ‘Review of the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2006’ released on September 01, 2020

At the outset, COAI welcomes the opportunity to provide its views on the TRAI Consultation Paper on ‘Review of the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2006’.

Before giving the response on the issues raised by TRAI in the Consultation Paper, we would like to highlight the following points for the consideration of the Authority:

- 1) Reduction in Multiple audits:** There are multiple audits conducted by TRAI including Metering and Billing audit as per the QoS (Code of Practice for Metering and Billing Accuracy) Regulations, 2006, Special audits, Peer audits etc. In this regard, we would like to submit that conducting an audit is a time-consuming exercise involving substantial resources. We believe that there should not be any duplication of efforts by conducting multiple audits resulting in wastage of time, manpower and precious public resources. Thus, we suggest that TRAI may avoid conducting multiple audits for the same process/activity as far as possible and thus facilitate Ease of doing Business in the Telecom sector.

- 2) Issue of Draft Regulation:** It has been the practice of TRAI that it issues a draft Regulation for the comments of various stakeholders before finalising the Regulation. **We request that in this case as well, TRAI may kindly issue the draft Regulations first**, after the conclusion of this Consultation process. The same will give various stakeholders an opportunity to provide their comments on specific amendments intended to be made by the Authority in this Regulation.

We would like to make following submissions on the issues raised by TRAI in the Consultation Paper:

Q.1: What changes are suggested in the sampling methodology in order to make it more representative of the post-paid and prepaid user segments or different types of tariff plans? Should the full spectrum of tariff plans be subject to audit? What considerations are required to be taken to address the issues or concerns related to the incidences of

wrong charging specially in case of data packs, STVs, multiple tariff packs at a time, etc.? Please give your views with detailed justification.

COAI Response:

1. We are of the view that the current sampling methodology should continue for conducting the Metering and Billing Audit. The procedure for auditing the call data records as outlined under regulation 6A and the provision under para 14 of the Guidelines and Checklist as issued by TRAI on May 16, 2013, is sufficient to identify the occurrence of wrong charging, if any.
2. It is further submitted that the tariff plans of the TSPs are dynamic in nature and changes as per the market requirement and competition. Moreover, the current tariff offers of the TSPs are more data-centric with a fixed/unlimited number of voice and SMS usage. Thus, most of the tariff offers of the TSPs are bundled where the subscriber enjoys a particular quota of data/voice/SMS after paying a fixed amount. These tariff offers have almost removed the requirement of minute/second based charging where customers used to opt for a plan/STV as rate cutter to their voice/SMS charges and then use their core talk time balance amount to make the voice and SMS communication.
3. Hence, we are of the view that instead of choosing plans/pack from each category i.e. plan vouchers, STV, combo pack, data plans, postpaid plans etc. the auditors should choose say the top 5 tariff offers of the quarter and conduct their audits. This will be more representative of the entire subscriber base as it will cover the majority of customers falling under the top plans. The suggested changes will also be in line with the current market dynamics of tariff offerings.
4. Also, about the issues or concerns related to the incidences of wrong charging in case of data packs, STVs, multiple tariff packs at a time, etc, we would like to submit that all our member TSPs have put in place various checks and balances to ensure the right configuration for every plan. Extensive testing is being done with advanced systems before it gets offered in the market. Our members also use advanced IT systems to ensure effective and correctness in tariff configuration. The stringent controls put in place by our member TSPs has significantly improved its performance over the years.
5. Despite all these checks and balances, if any error happens in configuration, immediate corrective measures are taken, and refunds are made to all affected customers with appropriate and transparent communication by our member TSPs. We are of the view that few exceptional incidences of wrong charging should not be considered as the process/system failure of our member TSPs.
6. Considering the above, **we are of the view that there is no need to subject a full spectrum of tariff plans to audit. Further, the auditors should choose the top 5 tariff offers i.e.**

data packs, STVs, multiple tariff packs at a time, etc. of the quarter and conduct their audits.

Q.2: How IT tools and new technologies can be used to adopt preventive and proactive ways to avoid occurrences of error in charging or wrong configurations leading to charging? Whether the IT capabilities of other systems available with the service provider may be made available to the auditor for audit purposes? How such tools developed for rigorous testing before launch of new tariff plans can also be used for audit purposes? Please give your views with detailed justification.

COAI Response:

1. The IT systems used by the service providers are their proprietary and it cannot be shared with the auditors. The TSPs uses various IT tools and systems for pre-paid/post-paid billing and for the configuration of the tariffs for each customer's profile. Apart from the same, the TSPs also use the IT tools for modeling and calculation of the tariff benefits which can be offered under a particular market price. Each TSP uses its own version of the tools and hence sharing the same with auditors would be inapt.
2. We are of the view that the IT tools used by TSPs and the tools used by the auditor should be different since the similar IT tools between the auditors and TSPs might give similar results and might not be able to detect the error in the Metering and Billing systems of the TSPs
3. Further, as per the current process, based on the selection of tariff plans, service providers provide the rated CDRs to the auditor along with the post mediated CDRs. Auditors devise rating algorithms to rate post-mediated CDRs and match the amount, such derived, against the rate calculated service provider. **We suggest that the tools being used by the auditors may be standardized across all the auditors who conduct the M&B audit of the TSPs.**

Q.3: With the evolution of new technologies and mediums to provide information related to terms and conditions, tariff details to the customers at the time of subscriptions or making it available as and when required by the customers, what changes are required to assess the delivery of information in timely and appropriate manner to the customer? Please give your views with detailed justification.

AND

Q.4: What IT-enabled measures need to be considered to ensure consistency of the tariff information across the different channels or mediums? Please give your views with detailed justification.

COAI Response:

1. Telecom market has become very dynamic in nature where new and innovative products are required to be launched into the market as per the fast-changing requirements of the customers. Our members are publishing their tariffs on their websites along with providing the tariff information at their retail stores and other platforms digitally with the launch of the tariff plan/product. Considering the requirements of their customers, operators publish the tariffs offerings, while ensuring clear and transparent communication regarding the benefits and any limitations/conditions e.g. fair usage policy etc. Further post customer acquisition, as per regulatory mandate, the tariff information is shared with the post-paid customers through a welcome letter, as well, which includes all the required tariff information.
2. It is important to note that various options of publishing information on other platforms including social media is dependent upon the limitations posed by these platforms such as limitation of screen space/ size and characters etc..Thus, while it is necessary to ensure that the TSPs provide all the important details of the tariff plan, the manner, in which, these tariffs should be publicized, need to be within the domain of the operators. Operators, depending on their tariff design and the platform e.g. app, social media, etc. publicize their tariffs while ensuring the transparency and disclosure of all the relevant details. Moreover, the recent Direction of TRAI on tariff publication and advertisement enumerates ample steps towards transparency of tariff offers and disseminating information to the customers.
3. As a customer is enrolled TSPs provide the complete tariff information i.e. applicable rates and terms and conditions, to the customers through various modes. The customers are informed regarding the details of their Tariff Plans/Offeres through SMS/SUK post subscription of the plan by the customer. Further, any plan is activated by the TSPs only after taking consent from the customer through various possible channels.
4. We would also like to submit that during sales and marketing of the product various channels like website portal, mobile apps, publications, direct sales outlet points, online e-recharge platforms like Paytm etc. are used to reach out to end-users.
5. Further, considering the customer-related information such as the Tariff offerings and other related information are already being provided by the TSPs, through their Apps and other online modes, there should not be any mandatory provision for providing the tariff-related information or any other information as per the regulations, directions and orders issued by the Authority **in writing** (through hard copy/Booklet). **We suggest that the audit test schedule may be accordingly modified to verify whether that the Self-care Apps of the TSPs has the full details of the tariff offerings subscribed by customer** along with the other charges applicable and the accuracy of measurement along with the rounding rules, rather than emphasizing on the said information being provided in written form to the customer.

6. This change can help our members to do away with the welcome letter altogether. Further, in the interest of adoption of paperless solutions, we submit that the information regarding, customer care and abridged charter can also be provided in the App or as a link in SMS. There can thus be huge savings on account of paperless SIM **with no need for extensive booklet and jacket; and the same is also in line with the adoption of digital means.**
7. Considering the above, we are of the view that while TRAI should continue to ensure that the TSPs are offering the tariffs with complete transparency and disclosure of all the important information, **TRAI should not enforce any changes in the existing provisions w.r.t. tariff publication and the extant provisions are sufficient to ensure the effective delivery of information to the customers, except as highlighted above regarding the changes required in the audit test to verify whether the information is being provided to the customer through TSPs App.**

Q.5: What changes are suggested in handling of billing complaints? Whether defining what constitutes billing complaint may help in bringing uniformity? Whether higher frequency of audit of complaint handling would help in improving effectiveness of complaint redressal mechanism? Please give your views with detailed justification.

COAI Response:

1. The existing provisions of handling billing complaints is working well. Further, there is no requirement to specifically define billing complaints.
2. Our member TSPs are well equipped to handle any type of complaints and submit the periodic reports to TRAI in this regard. The methodology for calculating such parameters in the periodic reports are well defined under relevant regulations and we don't feel any need for any further change.
3. The current guidelines of complaint handling as per the Code of Practice envisage that the service provider shall maintain a documented process for identifying, investigating, dealing with the billing complaints and creating appropriate records, carry out a root-cause analysis (RCA) for each upheld billing complaint, categorize the cause and establish proportionate remedial action to rectify it, is sufficient.
4. Our member TSPs have established robust process for customer complaint handling as per the said guidelines of TRAI and backed by automated /IT driven tracking and resolution system.
5. Thus, **we are of the view that the guidelines of complaint handling as mentioned under 'Code of Practice for Metering and Billing Accuracy Regulations,2006, are well**

prescribed and are comprehensive enough to deal with the issues related to billing complaints.

Q.6: To conduct special or peer audit, where old records might be required to carry out the audit, what may be prescribed to ensure that the relevant details are maintained for a sufficiently long period, and made available to the auditor in a timely manner for conducting the audit? Please give your views with detailed justification.

COAI Response:

1. In this regard, we would like to submit that the existing audit process as prescribed in the Code of Practice is very extensive and voluminous in nature.
2. To facilitate the current audit process our member TSPs have established dedicated systems/process and manpower resources. This process is carried out for almost a year i.e. activity starting from nominating an auditor to conduct audit, sharing resources, provide data back-ups/CDRs followed by filing voluminous reports for each service area wise/technology wise apart from action taken reports for each service area separately.
3. Further, the peer audit or special audits are not a regular exercise but are being conducted on occasions emanating out of any specific incident which may have a larger impact as the current sample size is more than enough to give a holistic view. While, TSPs are ensuring that all the relevant information is provided to the regular metering and billing auditors within the stipulated timeline, it is not feasible, and should not be desirable, that the entire information should be kept by the TSPs for certain period to support any future special audits, which may or may not happen.
4. We, therefore, are of the view that TSPs can, at best, store basis confirmation from TRAI w.r.t retention period and provide the data/ artifacts that have been provided to the auditor during the quarterly audits in last 1-2 years for the special audit.
5. Further, the M&B Auditors are TRAI empanelled auditors and the audits conducted by them are sufficient to ensure that the TSPs comply with the extant regulatory provisions, hence, there is no need to conduct any special audits.

Q.7: Should the Regulation 6C, Regulation 6D and Regulation 6E of the regulations dealing with consequence for failure of the service providers to submit audit report and action taken report, consequence for failure of the service providers to refund overcharged amounts to customers and consequence for failure to provide comments on audit observations in the Action taken report respectively be retained as it is or they need to be altered/strengthened. Please support your views with rationale.

COAI Response:

1. It is submitted that the financial disincentives should not be used as a tool to penalise the TSPs on occasions where TSPs couldn't comply with the timelines. The Authority would appreciate that the TSPs have been ensuring compliance with various reporting requirements of TRAI apart from compliance to the provisions of the Regulations/Orders/Directions.
2. TRAI, in past, had reviewed various financial disincentive regulations and have prescribed the graded penalty provisions. We suggest that the graded financial disincentive should be applicable in the case of M&B Audit regulations.
3. Moreover, the timeline to submit various reports should also be reviewed and increased to give a sufficient period for compliance. There could be situations where TSPs may need more time to retrieve the CDRs of all the subscribers to whom the refund is to be made. Also, many such subscribers may have churned to other TSPs or have disconnected their services, in such cases, it becomes difficult for the TSPs to comply with the provisions within the timeline specified by TRAI.
4. Hence, **we suggest TRAI to kindly consider increasing the timelines prescribed under Regulation 6A for Audit report submission by at least 3 months and Action Taken Report (ATR) submission by another 3 months, and refund of the overcharge amount. TRAI should do away with any kind of financial disincentive on delay in submission of the audit report and the action taken report**

Additional Points:

We would hereby like to highlight additional points for your kind consideration:

1. **Challenges in physical delivery of bills:** TSPs face challenges in delivering hard copy of the bills to the customers, due to customer unavailability in certain cases, resulting into multiple attempts and delay in delivery. In the current scenario sending the paper bill to the customers is not a safe option from safety & security point of view, thus e-bills should be mandated as the default mode. Further, since our member TSPs have started the paper bill delivery after lockdown, below are the present-day challenges being faced due to the ongoing pandemic which it appears will continue:
 - a) Many offices are still temporary closed currently/ permanently closed/ shifted.
 - b) Courier delivery person are not getting entry in many societies and people are refusing to accept the hard copy of the bill.
 - c) Unable to deliver the bills in red zone/ containment zone.

2. **Cost aspect- Hard Copy vs. E-bills:** There is a huge cost involved in the printing of the hard copy of the Bills.
3. **Current Trends:** Current trends show that majority of new customers are opting for E-Bills, as it is more convenient and accessible to customers.
4. **Subscribers of Feature phones and (b) Subscribers who do not have e-mail facility:** For the customers using a feature phone and not having an e-mail facility, the summary of the bill can be sent through SMS which would contain the details as captured in industry submission on this issue vide its letter dated 17th Jan 2017 (copy enclosed as Annexure)

Considering the above challenges and ease of the customer, we believe that an E-Bill should be made as default option by replacing the hard copy of bills for the post-paid customers.
