

To,
Ms. Vinod Kotwal, Advisor (F&EA),
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VOICE comments on-
“Consultation Paper on Differential Pricing for Data Services”

We at VOICE as part of our advocacy initiative in Telecommunications continuously raise different issues with Policy makers impacting consumers based on the knowledge through Consumer feedbacks. We also publish a magazine “CONSUMER VOICE” for consumer empowerment. As registered CAG with TRAI we are in forefront of providing inputs to TRAI related to consumer concerns and interests.

In continuation of these efforts from VOICE, we hereby submit our comments as under-

At the outset VOICE believes that Internet should be treated almost like other Human Right per UN charter with absolutely no scope for even a remotest possibility of denial to any human being in any disguise. Differential Pricing is the stepping stone in this direction hence should not be allowed.

Question 1: Should the TSPs be allowed to have differential pricing for data usage for accessing different websites, applications or platforms?

VOICE COMMENT: An absolute NO. TSPs should not be given any such option which will definitely lead to malpractices impossible to regulate. Every TSP is in the business for their legitimate aim of “Profit Maximisation” within the overall principle of free & fair market. Any such model (of **differential pricing**) will provide too big a control with TSPs and will lead to formation of “bouquets” like in Cable TV which consumers will need to opt for making the choices available restricted.

Question 2: If differential pricing for data usage is permitted, what measures should be adopted to ensure that the principles of nondiscrimination, transparency, affordable internet access, competition and market entry and innovation are addressed?

VOICE COMMENT: It is impractical. A site will need to join such a platform and the platform owners/managers will accept or reject such applications—who formulates the criteria / who exercises control in such decisions and who arbitrates? Then there will be many such platforms – something like industry associations because everyone wants to control. We have already seen the same system operating at a micro level in Cable TV industry and how complicated it is

to regulate. Internet will be extremely complex and multi-dimensional system almost impossible to regulate.

Question 3. Are there alternative methods/technologies/business models, other than differentiated tariff plans, available to achieve the objective of providing free internet access to the consumers? If yes, please suggest/describe these methods /technologies/business models. Also, describe the potential benefits and disadvantages associated with such methods/technologies/business models?

VOICE COMMENT: There are immense possibilities if the purpose is to provide Internet access to the under-privileged or extend its reach. Few possible ways are-

- Differential / preferential pricing for data services in Rural India
- Differential / preferential pricing for data services for all non-commercial users
- Differential / preferential pricing for data services in Rural India
- Differential / preferential pricing for data services in all educational institutions

All these options are easy to implement, non-discriminatory, Not Anti-competitive and Transparent. A model of financing all TSPs by these platform creators like Facebook, Google etc. can be devised and monitored by TRAI.

Question-4: Is there any other issue that should be considered in the present consultation on differential pricing for data services?

VOICE COMMENT: Internet is extremely dynamic, unpredictable, technologically evolving entity with profound impact on mankind – politically, socially, personally. It has become omnipresent and may become as important as food, water and air. There is no way one can predict the impact of these actions on future outcome. So it should be considered a public utility like water, roads etc. and pricing has to ensure availability to all at a most affordable cost.

CONCLUSION:

- Content is beyond the purview of TRAI
- Issues involved here are beyond only communication- it also involves Human Rights, Right to Information- both to know and to be heard, and of a Civil Society
- The issue is too big for the TRAI and beyond the scope
- There is absolutely no way TSPs can be given any authority to regulate content

- This issue is too important and fundamental. Any regulation will pave the way for the TSPs to start chipping at the boundaries of the regulations to continuously test the deviations they can go to maximize their gains.

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