



To,
Mr. K.V. Sebastian,
Joint Advisor (F&EA),
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg, New Delhi- 110002

13th January 2016

Subject: Response to Your Letter Dated- 7/1/2016, Reference No. F.No. 303-1(2)/2015-F&EA


Dear Mr. Sebastian,

I am pleased to respond to your letter dated January 7, 2016, after consultation with the relevant decision makers at Facebook Inc. and Facebook Ireland. This is in continuance to your first letter dated January 1, 2016 and our response dated January 6, 2016:

- (i) At the outset, we reiterate our appreciation to TRAI for holding an open and transparent process in issuing its Consultation Paper on Differential Pricing for Data Services ("consultation paper"). Facebook's mission is to make the world more open and connected and in this regard we are fully aligned with what we believe is TRAI's objective through this consultation paper; a policy that encourages and promotes access, so that millions of unconnected across India are able to get the benefits of connectivity.
- (ii) As you note, in your previous correspondence you requested that we reach back out to those commenters who had submitted through Facebook and request that they answer the 4 specific questions raised in the consultation paper. You also observed that despite requesting us to communicate that request, you have not received corresponding submissions. As a result, in your letter of January 7, you appear to have concluded that Facebook did not convey the message you requested.
- (iii) We would note that we believe that the original comments submitted were responsive to the general questions raised in the consultation paper, which clearly covers such topics as the Free Basics program. The expressions of support for the program and for inclusion of the goal of connectivity are highly relevant to this important debate.
- (iv) Notwithstanding our belief that these comments complied with the TRAI consultative process, we complied with your request as described in our letter on January 6, 2016. Specifically, in accord with your request, we reached out to the

facebook

people who had commented through Facebook and asked them to answer specifically the four questions TRAI raised in the consultation paper. And, most significantly, more than 1.4 million people submitted revised comments that responded specifically to these questions.

- (v) We were thus surprised to receive your most recent correspondence and particularly by your observation that TRAI had not received any revised communications. We were similarly concerned about the number of comments that TRAI indicated it received from users supporting Free Basics. In its summary of comments¹ TRAI has specified that it has received only 1.8 million comments from people via Facebook; either through our platform or through our missed call campaign.
- (vi) In contrast, our records indicated that people, both through Facebook or through the missed call campaign, have sent TRAI more than 16 million comments supporting Free Basics as of the end of the comment period; of these, more than 4 million were in response to the specific questions raised in the consultation paper.
- (vii) When we received your letter, we were alarmed by this discrepancy and wanted to alert you right away to what we found, because we know TRAI will be as concerned as we are and act quickly to ensure millions of Indians are heard. We promptly sought to understand the source of the discrepancy. Our inquiry revealed that indeed 13.5 million people submitted email comments through <https://www.facebook.com/savefreebasics>. Please find a link to a Dropbox document with a list of these people along with the corresponding time stamp for their comments.—please note that the information in this file is viewable by anyone with this URL, so we urge TRAI to keep it confidential.

- (viii) Despite this clear and timely effort by millions of Indians to send their comments, someone with access to the designated TRAI email account appears to have blocked receipt of all emails from Facebook to that TRAI account. Specifically, our inquiry revealed that on December 17 at 05:51:53 GMT, an individual with access to the TRAI email account designated to accept comments (advisorfea1@traigov.in) took action that blocked Facebook from delivering any additional emails to that address. This appears to have been accomplished by unsubscribing from receiving all further emails from Facebook, effectively requesting that Facebook cease delivering emails to the address. This action prevented the Facebook system from sending further responsive emails to TRAI. We have included the comments in the Dropbox, and are

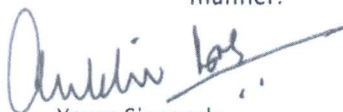
¹http://www.traigov.in/WriteReadData/ConsultationPaper/Document/201601090922527372065Comments_data_services.pdf



happy to share more detailed information on the event leading to the blockage of emails in case TRAI wishes to perform its own investigation into why these messages were blocked.

In light of the above, we urge TRAI to acknowledge and consider all of the 16 million comments sent by people in support of Free Basics in a manner befitting the spirit and letter of a consultative process. The vast majority of these responses clearly support rules that will allow Free Basics to continue to operate under any regulatory regime. All of them were sent to the correct email address in a timely fashion, but none were delivered as a result of the action taken to unsubscribe from delivery of Facebook emails. It would be an unfair and unjustifiable result for the voices of these millions of Indians not to be heard before deciding on a final policy on differential pricing.

- (ix) You have noted in your letter that TRAI is disappointed that you do not have the benefit of the comments of a large number of users. In response to your letter and since the consultation process is still accepting counter-comments, we are resending all of these comments so that they are officially a part of the record in this proceeding.
- (x) We appreciate your concern that you have the benefit of the comments of such a large number of people, and hope you accept the over 16 million responses. Alternatively, we request that you extend the comment period so that everyone has an opportunity to make his or her comments count, in a fair and transparent manner.



Yours Sincerely,

Ankhi Das
Director, Public Policy
India, South and Central Asia