

## INTERNATIONAL ROAMING REGULATION

### TELECOM ITALIA COMMENTS TO ERG GUIDELINES

## Introduction

Telecom Italia welcomes the effort of ERG made in defining an interpretation guidance to complement the Roaming Regulation, which was made to safeguard the customers, meant as subscriber of a standard contract. Furthermore TI shares the need to go into depth of requirements, as the reading could negatively impact on the customer experience as well as leading the operators to misunderstand the complex rules of implementation and thus make inefficient investments .

On the other hand Telecom Italia feels that guidelines shouldn't go beyond the scope of the Regulation.

Telecom Italia identified a few critical areas, the comments on which are reported below.

### Basic personalised pricing information: data

Telecom Italia agrees with the statement made by ERG whereby, by sending the information to the customer when both conditions of having entered a Member State and having initiated a data session are met, as required by the Regulation, the customer would not be alerted in time to make an informed decision regarding the usage of data service.

Therefore Telecom Italia agrees that the customer's interests in transparency will best be met if providers send messages covering all required information in art 6a when the customer enters the Member State, regardless to whether he/she has simultaneously initiated a data session (as is the case with certain devices, such as blackberry) or not.

In this way, the customer will be aware of the tariffs applied to the data service before initiating the data session, avoiding the risk of not receiving the information on time (as the customer would generally have to leave their intended activity to check their SMS, MMS or e-mail and see the tariff information).

Telecom Italia believes that the requirement to inform the customer about the data service tariffs, in order to avoid bill shock, is met by sending this initial message and that sending the same information again when the customer starts the data session would be not only unnecessary, as it wouldn't provide any additional information, but even burdensome for the customer, who already receives a high number of messages every time he/she roams.

Furthermore, Telecom Italia recommends that the operators be left the flexibility to choose the most appropriate way to provide the information to the customer (SMS, MMS, landing page, etc).

### Financial or volume limit on data roaming consumption – prepaid

Telecom Italia understanding with regards to the financial or volume limit is that it shouldn't be made available to both post-paid and prepaid customers, the objective of the cut-off limit being to avoid bill shock, which is a risk only post-paid customers run.

The main characteristics of prepaid are budget control (by allowing the customer to fix its budget in advance and by giving the possibility to monitor in real time the expenditure by calling a free number - functionality not available for post-paid customers) and simplicity. Fixing an additional financial limit on top of the one the customer has already chosen for himself by determining the top-up amount, is both unnecessary and overprotecting. Moreover, prepaid was created with the aim of satisfying customer needs for simplicity, and the tariff plans are constructed as to clearly address such much felt need of the customer to avoid any kind of complexity. This would be undermined by fixing unnecessary additional mechanisms.

### **Financial or volume limit on data roaming consumption - notifications**

Telecom Italia wishes once again to highlight the technical difficulties related to the implementation of the cut-off limit and appreciates the open attitude ERG demonstrated during the meeting with GSMA held in London on June 3<sup>rd</sup>, in which ERG convened to work together with the operators to find a viable solution to implement the cut-off limit in a way which is not detrimental to the customer.

In particular Telecom Italia appreciates ERG idea to anticipate the 80% notification message to the customer (to 60% or even below) and to include in that message the information on how to continue using the data service once the cut-off limit is reached, in order to give more time to the customer to react and avoid being cut-off from the data session if he/she does not intend to.

Telecom Italia therefore asks ERG to amend the text of the Guidelines accordingly, in order to:

- allow the operator to send the notification before the client reaches 80% of agreed limit,
- allow the operator to include in the message the procedure to be followed by the customer to avoid being cut off,
- allow the operator not to send additional messages at 100% of agreed limit if the customer has positively responded to the previous message.

Moreover, considering that:

- it is technically not feasible for the operator to freeze a data session when the financial/volume limit is reached, in order to allow the customer to retrieve the data at a later stage,
- there might be significant delays between the operator sending the 100% notification and the customer receiving the message and acting upon it

in practise once the 100% limit is reached, the data session will be interrupted and the customer will loose all data in the process of being downloaded/uploaded.

It is therefore crucial that, in the best interest of the customer, ERG allows the maximum flexibility to the operators on how to implement this functionality.

### **Wholesale data: Maximum charging intervals**

Telecom Italia believes that ERG guidelines shouldn't go beyond the scope of the Regulation. In this respect, the text of the Regulation already clarifies the procedure to fix an average wholesale charge for data and Telecom Italia feels there is no need to further restrict the interpretation.

ERG guidelines seem to be trying to define commercial arrangements at a level of detail that is inappropriate.

### **Machine to machine communications**

Telecom Italia believes that Machine to Machine communication is out of the scope of the Roaming Regulation.

Indeed, these services can't in any way lead to a bill shock, M-to-M communications being planned beforehand, without the possibility to unexpected flow of data.

Moreover, it would be technically impossible to overcome the cut-off limit as there is no physical person behind the SIM card to respond to the notification messages.

In particular, the interruption of data session would be critical in some particular M-to-M communication cases, such as medical monitoring.