



SFR comments on draft ERG Guidelines on the International Roaming Regulation

ENGLISH SUMMARY

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SFR welcomes the ERG's efforts to provide operators and national regulators with guidance as to how the provisions of the new Roaming Regulation are to be understood and to associate operators to this initiative. Our teams are already working hard towards implementation of these provisions, especially those in Article 6a, in a way which ensures the best possible experience for our customers.

SFR would like to make the following comments:

1. From a general point of view, these guidelines should stay **as open as possible** and do not have to preclude operators' choices. The aim of this document should be to provide the market with a clear target to achieve whilst leaving to operators the final choice of the instruments better suited, technically as well as commercially, to reach these objectives (e.g. reference to MMS or landing pages...).
2. It is also of first importance that these guidelines **do not go beyond the scope of the regulation** itself. It is therefore recommended that mention of M2M in paragraph 63 or prepay users in paragraph 22 should be removed and left to the interpretation of the operator in order not to create more legal uncertainty.
3. One of the issues of highest practical concern to SFR is the **application of the limits to prepay customers**. In paragraph 22, the ERG explicitly recommends that the cut off limit also applies to these customers, provided that they have more than 50€ to spend. The intention expressed in the regulation to justify this cut off limit was clearly to put an end to bill shocks. By definition, prepay customers do not experience bill shocks, on the opposite, they are provided with some kind of "flexible opt out" enabling users to select the limit that best corresponds to their needs. Indeed, the prepay mechanism guarantees that they cannot exceed the chosen limit and that they can monitor their consumption at any time. In addition to this, the regulation refers to the "monthly billing period" and "outstanding charges" which operators both interpret as postpaid only. It should be noted that implementing such a system for prepaid would have nothing in common with the solution needed for postpaid. Therefore, it would involve significant complexity and development timescales for a very small number of customers. For all these reasons, SFR recommends that paragraph 22 **referring to the explicit inclusion of prepay users should be removed**.

4. Another area of technical concern is the **application of the limit concerning VAS**. SFR believes that a clear distinction needs to be drawn between value added services and the roaming transmission service. However, SFR does not agree with the ERG's recommendation concerning VAS and would rather extend the distinction used for MMS to VAS also. In paragraph 61, ERG recommends that services should be included in the limit as soon as they are itemised separately (from transmission) but nonetheless invoiced by and paid to the mobile provider. Taking into account the fact that the price of content and value added services (but not the transmission) may not vary by reference to whether they are consumed whilst connected to the home network or the visited network and that it is technically easy to distinguish between the transmission and the service costs, we believe that **only transmission (variable) costs should be included in the limit** (as recommended for MMS in paragraph 27 and 32). Therefore, SFR suggests that paragraph 61 is amended to illustrate this distinction, which we believe better reflects the intent of the lawmakers (and the ERG) and of technical possibilities.

Concerning the application of the limit to MMS, SFR is concerned by the inconsistency of the ERG guidelines, especially regarding paragraphs 26, 27 and 32, which do not have exactly the same interpretation. SFR believes that clarification is needed on this point and recommends that the possibility to exclude MMS fixed cost from the cut off is made clear.

5. The requirement to send the Data Transparency information when the customer crosses the border **and** initiates a data roaming session also is a major area of practical concern. In paragraph 11, the guidelines recommend one message to be sent when both conditions are met. We agree with the ERG that sending a message on crossing the border should be the default requirement in all cases for the reasons outlined in paragraph 12. We also agree that for laptops and many data devices (such as Blackberrys and PDAs), the connection to the visited network and the initiation of a data service will occur at the same time and that, in these circumstances, a single message will fulfil both requirements. Nevertheless we do not perceive the merit nor do we acknowledge the technical possibility to send a second message to devices not always connected when the user initiates a data session. In these circumstances, a proportionate response might not always involve the sending of another message as proposed by the ERG. It would therefore be preferable to **leave the guidelines open to some interpretation** – i.e. when to send the tariff information (and how many times).
6. Following on from this, it would also be preferable to **remove any reference to MMS or other recommended solution**, and leave the method of communication open to the operator.
7. Paragraph 8 refers to customers being able to **opt-out of the Voice/SMS transparency messages separately to the Data transparency messages**. SFR would like to highlight the fact that this may not technically possible, for instance if all tariff information is contained in one message only.
8. SFR agrees with paragraph 28 of the project stating that the obligation to send a notification at **80% of the limit is not flexible enough** and may be adapted to take into account the usage and the device involved. SFR also understands from paragraph 30 that this first notification could be the right moment to send information on the procedure to follow if the customer wants to continue his data session after the limit is reached. In that case, it should be clarified that this information would not have to be given again in the second message sent once the limit is reached.



9. SFR understands the ERG's concern that existing sessions are not terminated and **data is not lost** when the limit is reached. We share this concern entirely and are investigating ways to meet the recommendation of the ERG as this may deeply degrade our customer experience. Nevertheless, our current view is that retention of data in such circumstances would require a **fundamental reengineering of the software** on customer devices rather than being something which the network operator could address directly.
10. Last but not least, SFR would like to highlight the case of certain customers who use **specific APN**. Since these specific APN are managed by equipments out of SFR's control, we are not able to follow precisely the consumption of individual users situated behind the APN. Therefore, it should be made clear that this type of specific APN customers should **be excluded from the cut off limit**.