29rdApril, 2019

To,

The Advisor (B&CS)

Telecom Regulatory Authority of India,

Mahanagar Doorsanchar Bhawan,

Jawahar Lal Nehru Marg,

Old Minto Road,

New Delhi – 110 002

Dear Sir,

Re: Submissions to Telecom Regulatory Authority of India ("TRAI") in response to the Consultation Paper on "Review of Terms and Conditions for registration of Other Service Providers (OSPs)".

At the outset, we would like to thank the Authority for giving us an opportunity to tender our views on the issues related to "Review of Terms and Conditions for registration of Other Service Providers (OSPs)".

In regard to the present consultation process, we submit that we have perused the said paper carefully. We hereby submit our comments attached as Annexure. The said comments are submitted without prejudice to our rights and contentions, including but not limited to our right to appeal and/ or any such legal recourse or remedy available under the law.

The same are for your kind perusal and consideration.

Yours Sincerely,

For ABP News Network Pvt. Ltd.

Kishan Singh Rawat

Head – Administration and Regulatory

Encl: As above

Submissions to Telecom Regulatory Authority of India ("TRAI/Regulator") in response to the Consultation Paper on registration of Other Service Providers (OSPs)

The digitalization of content and services has increased choice, innovation and competition application services are rapidly pervading all segments of commerce and society. This dynamic digitalization has only been possible because of the dynamic nature the global telecom and broadcasting industry has been witnessing and adapting to the continuously changing business and technology environment over the past half century, since its initiation with the telegraph and early voice telephony to the rise of other service providers, the industry has come a long way. Given that the Indian government is investing more in the IT-ITeS sector in order to create a sustainable future. The India BPO promotion scheme was approved under Digital India programme which aims to create employment opportunities for the youth and promote investments in the IT & ITeS industry. This new category of telecom service sector 'Other Service Providers' (OSP) was defined as follows: "*For applications like tele-banking, tele-medicine, tele-education, teletrading, e-commerce, other service providers will be allowed to operate by using infrastructure provided by various access providers. No licence fee will be charged but registration for specific services being offered will be required. These service providers will not infringe on the jurisdiction of other access providers and they will not provide switched telephony.*"

That the Central Government while allowing Call Centers, both International and Domestic, in the country under the above category, later, also allowed for services like Network Operation Centers and Vehicle Tracking Systems provided that they do not infringe upon the jurisdiction of telecom service providers and do not provide services like switched telephony.

Given that the government's National Digital Communications Policy, 2018, aims to attract $100 billion investment in the digital communications sector by 2022 and it aims to provide broadband connectivity at 50 Mbps to every citizen by the same year and further seeks to provide fixed line broadband to 50 percent of households, it's imperative that a seamless Telecom Regulatory policy must be in place.

Q1. Please provide your views on the definition of the Application Service in context of OSP. Whether, the Application Services which are purely based on

data/ internet should be covered under Application Service for the purpose of defining OSP.

Other Service Providers Category in May 1999 under the New Telecom Policy (NTP) were limited to services such as tele-banking, tele-trading, e-commerce etc by using infrastructure provided by various authorized access providers for non telecom services and later allowed for services such as Network Operation Centers and Vehicle Tracking Systems. With time, the new type of entities that have evolved providing infrastructure services to OSPs, known as Contact Centre Service Providers (CCSP) or Hosted Contact Centre Service Providers (HCCSP), who offer various resources for setting up of a call centre on almost instant basis have also emerged. Thus, a newer simpler definition of OSPs which entails within in all the new types of technologies including services based on data/internet must be made a part of the Regulatory Framework. In our opinion, the definition itself must be of an inclusive one which has scope for addition of more kinds of services as there is addition to newer technologies each day. An ideal definition for OSPs would be in our opinion would be–

> *'Application Services' and well as similar or allied services means providing services such as e tele-banking, tele-medicine, tele-education, tele-trading, e-commerce, call centre, network operation centre and other IT Enabled Services or any other such services by making use of Telecom Resources provided by Authorised Telecom Service Providers registered with the Authority.*

Q2. Whether registration of OSP should be continued or any other regulatory framework should be adopted for OSPs so that the purpose of registration specified by government is met. Please furnish your views with justification.

A common Regulatory framework for the purpose of registration of all kinds of OSPs as suggested in the response to Issue 1 is the most suitable way forward. The Broadening of the meaning and scope of service under the Unified Telecom License which differentiates on types of services but has the option of service providers choosing on the basis of number of services offered and regions in which they are offered shall be easier to execute than to have different Regulatory Frameworks. The one window will facilitate neutrality of Service & Technology, simplification of the entire process and add greater flexibility to the authorization regime and will thus held orient, review and harmonize the legal, regulatory and licensing

framework in a time bound manner to enable seamless delivery of converged services in a technology and service neutral environment.

Q3. What should be the period of validity of OSP registration? Further, what should be validity period for the renewal of OSP registration?

The existing validity period of OSPs registration being 20 years from the date of issue, unless otherwise mentioned in the registration letter is a fair policy. Further, the validity of the registration may be extended by 10 years at one time, upon request of the OSP, if made during the 19th year of the registration period is a fair policy to follow.

Q4. Do you agree that the documents listed above are adequate to meet the information requirements for OSP registration? If not, please state the documents which should be added or removed along with justification for the same.

The present documentation are adequate to meet the information required for OSP registration. The Authority may also seek an Affidavit from OSP licensees stating that they will not infringe upon the jurisdiction of telecom service providers to ensure culpability in breach of rights of their parent/ souce telecommunications resource partner.

Q5: Do you agree with the fee of Rs. 1000/- for registration of each OSP center. If not, please suggest suitable fee with justification.

Rs. 1--- for registration of each OSP Centre is a fair fee.

Q6: Do you agree with the existing procedure of OSP registration for single/ multiple OSP centres? If not, please suggest suitable changes with justification.

Location based grant of OSP registration is the most appropriate procedure of OSP registration. This ensures that even if an OSP wants to open shop in multiple areas, it may apply for fresh registration for those areas. For larger players, A grant of registration for huge common clusters maybe permitted following the model of the Unified Telecom License in which parties may apply for state wise and country wise license.

Q7: Do you agree with the existing provisions of determination of dormant OSPs and cancellation of their registration? If not, please suggest suitable changes with justification.

We agree with the existing provisions of filing of annual returns as being the best possible determinant of dormant OSPs.

Q8. Do you agree with the terms and conditions related to network diagram and network resources in the OSP guidelines? If not, please suggest suitable changes with justification.

Since the authorized TSP is required to provide telecom resources to the OSP, it is imperative that it does so after examining the network diagram of the network proposed to be set up by OSP. Thus it creates an environment of self regulation where both parties after ensuring its bonafide use are compelled to keep each other in check.

Q9. Do you agree with the provisions of internet connectivity to OSP mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.

The existing rule of OSP is required to get the Internet connection for each OSP center separately that too based in India ensures that shall be traceable to a physical address (location) in India and thus it is a warranted provision.

Q10. Do you agree with the provisions related to Hot Sites for disaster management mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.

We agree that in order to avert disasters or provide support, both domestic and international OSPs should be permitted to connect to the dedicated servers provided at the registered 'Hot Sites', only at the time of disaster with due intimation to the DoT giving connectivity details.

Q11. Do you agree with the provisions of logical separation of PSTN and PLMN network resources with that of leased line/ VPN resources for domestic OSP mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.

The current rules in place are sufficient.

Q12. Do you agree with the provisions of PSTN connectivity/ interconnection of International OSP mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.

The current rules allowing for interconnection after due intimation to authority are fair and allows for smooth functioning of the OSPs with right amount of regulation.

Q13. Please provide your views as to how the compliance of terms and conditions may be ensured including security compliance in case the OSP centre and other resources (data centre, PABX, telecom resources) of OSP are at different locations.

To avoid such situations, the infrastructure for OSP (Data Centre/ PABX /telecom resources) should not be placed outside the OSP center as the inspection of such infrastructure to check the compliance of terms and conditions of OSP registration would be difficult.

Q14. Please provide your views whether extended OSP of existing registered OSP may be allowed without any additional telecom resource. If yes, then what should be the geographical limitation for the extended OSP centre; same building/ same campus/ same city?

Refer to answer in Issue 13.

Q15. Please provide your views as to how the compliance of terms and conditions may be ensured including security compliance in case of the extended OSP centre.

Refer to answer in Issue 13.

Q16. Do you agree with the provisions of general conditions for sharing of infrastructure between International OSP and Domestic OSP mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.

The sharing of infrastructure by the domestic OSP and International OSP is permitted with prior approval of DoT which at present is a fair norm.

Q17. Do you agree with the provisions of Technical Conditions under option -1 & 2 for sharing of infrastructure between International OSP and Domestic

OSP mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.

We agree with the Technical conditions under option 1 and 2 for sharing infrastructure between international OSP and Domestic OSP.

Q18. In case of distributed network of OSP, please comment about the geographical limit i.e. city, LSA, country, if any, should be imposed. In case, no geographical limit is imposed, the provisions required to be ensure compliance of security conditions and avoid infringement to scope of authorized TSPs.

OSPs should be allowed to expand beyond territory only after obtaining a valid license for the same as discussed in Issue 6.

Q19. Do you agree with the provisions including of logical partitioning mentioned in the OSP guidelines for distributed architecture of EPABX? If not, please suggest suitable changes with justification.

We agree with the provisions including those of logical portioning as mentioned in the OSP Guidelines.

Q20. Do you agree with the monitoring provisions of mentioned in the OSP guidelines for distributed architecture of EPABX? If not, please suggest suitable changes with justification.

We agree with the monitoring provisions mentioned in the OSP Guidelines.

Q21. Please comment on the scope of services under CCSP/HCCSP, checks required / conditions imposed on the CCSP/ HCCSP including regulating under any license/ registration so that the full potential of the technology available could be exploited for both domestic and international OSP, and there is no infringement of the scope of services of authorized TSPs.

CCSPs, which are not regulated as on date and therefore should also be obliged to comply with the terms and conditions applicable to OSPs

Q22. Please provide your comments on monitoring of compliance in case interconnection of data and voice path is allowed for domestic operations.

Monitoring and compliance should be suggested by the Authority in conjunction with TSPs and OSPs.

Q23. Do you agree with the provisions for use of CUG for internal communications of OSP as mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.

A channel of communication meant for internal communication of the company / LLP. The interconnectivity of the call centers is permitted for the same company or same group of companies is an important requirement for OSPs. We agree with the provisions for use of CUG as laid down.

Q24. Do you agree with the monitoring provisions for use of CUG for internal communications of OSP mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.

We agree with the monitoring provisions for use of CUG for internal communications.

Q25. Do you agree with the provisions of 'Work from Home' mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.

For obtaining the permission for work from home, the OSP is required to submit complete details for extended agent positions like name and complete address, connectivity alongwith the name of the service provider etc. as per the application form alongwith a security deposit of 1 Crore for each registered Work from Home location. We feel these are sufficient.

Q26. Whether domestic operations by International OSPs for serving their customers in India may be allowed? If yes, please suggest suitable terms and conditions to ensure that the scope of authorized TSP is not infringed and security requirements are met.

The same should only be allowed if the volume of transactions for these two segments of clients separately is adequate.

Q27. Whether use of EPABX at foreign location in case of International OSPs may be allowed? If yes, please suggest suitable terms and conditions to ensure that the scope of authorized TSP is not infringed and security requirements are met.

Use of EPABX at foreign locations in case of International OSPs may only be allowed if primacy of Indian Telegraph Act over foreign numbers / extensions working in such OSP centres and adequate safeguards w.r.t CDR required to be ensured.

Q28. Do you agree with the Security Conditions mentioned in the Chapter V of the OSP guidelines? If not, please suggest suitable changes with justification.

The licensor's right to inspection and certain prohibitions in the Guidelines are sufficient conditions.

Q29. Do you agree with the provisions of penalty mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.

Penal provisions should be in place as suggested in the present Consultation.

Q30. Whether OSP to OSP interconnectivity (not belonging to same company/ LLP/ group of companies) providing similar services should be allowed? If yes, should it be allowed between domestic OSPs only or between international and domestic OSPs also.

Should be allowed only between domestic entities.

Q31. In case OSP interconnectivity is allowed, what safeguards should be provisioned to prevent infringement upon the scope of licensed TSPs.

The same must be suggested by TSPs and OSPs.

Q32. Do you agree with the miscellaneous provisions mentioned in the Chapter VI of the OSP guidelines? If not, please suggest suitable changes with justification.

We agree with the miscellaneous provisions.

Q33. What provisions in the terms and conditions of OSP registration may be made to ensure OSPs to adhere to the provisions of the TCCCPR, 2018.

The parent Telecom Companies providing signals to the OSPs must ensure that OSPs comply with provisions of TCCCPR. Authorities must also make a condition for registration that if the OSPs do not adhere to the TCCCPR, it may amount to cancellation of license to do business as OSPs.