

No.:100/TRAI/2016-17/ACTO

Dated: 25th July, 2016

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**Subject: ACTO's response to TRAI Consultation Paper No. 12/2016 dated 14th June, 2016
on Review of Voice Mail/Audiotex/Unified Messaging Services License.**

Dear Sir,

Association of Competitive Telecom Operators (ACTO) is pleased to submit its response to TRAI's Consultation Paper on Review of Voice Mail/Audiotex/Unified Messaging Services License.

We hope that our comments (enclosed as Annexure – I supported with annexure-II) will merit consideration of the Hon'ble Authority.

Thanking you,
Respectfully submitted,

Yours sincerely,
for **Association of Competitive Telecom Operators**

Tapan K. Patra
Director
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Encl: As above

Summary

Before we proceed to provide detailed responses to questions as provided in the consultation paper, ACTO would like to summarize its position as below:

- Audio Conference service is a platform based service which is configured in a manner to provide service based upon the underlying telecom resource provided by another telecom service provider. The entity which holds the audio conference license creates the platform which is able to ensure voice communications amongst parties which terminate on the bridge. The bridge / platform rides on the underlying telecom connectivity sourced from authorised telecom operator and not by the entity which holds the audio conference license.
- Provision of Voice Mail / AudioTex / Unified Messaging Service should be under a specific registration / authorisation as done for OSPs or IP-1 presently.
- These services should not be placed under the Unified License. Currently these services are provided under a separate standalone license granted under section 4 of Indian Telegraph Act, 1885. However unlike other licensees under the Indian Telegraph Act, 1885 a holder of Voice Mail / Audio Tex / Unified Messaging license does not provide the underlying telecom connectivity under its said license. For which it has to depend upon either customer provided access as well as telco provided access which enable termination of calls. Entities desirous of providing Audio Conference service are provided the said license.
- The users of audio conferencing service are primarily enterprise customers who need to communicate both domestically as well as globally using the underlying telecom resources sourced from authorised telecom operators. Therefore the regulations should encourage simplicity and permit all kinds of calls/traffic to be converged on the conferencing platform. The features of Audio Conferencing have taken many forms like plain Audio Conferencing (PSTN and VoIP), Mobile app, Integrated Audio, Desktop app, Browser app etc.
- Various third parties and analysts have predicted that the Conference services market is set to grow. Conferencing services will evolve from “one and done” virtual meetings to persistent and intelligent workspaces that close the loop on meeting lifecycles to enable smarter and connected workstyles. Conferencing services will leverage mobile, cloud, social, analytics, automation technologies to drive growth. Conferencing services will increasingly leverage business models such as consumerization of IT, and unbundling of products and services. Conference service providers will look to add new and high-value features, capabilities, and integrations to combat commoditization of conferencing services. Such providers will pursue growth opportunities both up-market (vertical and horizontal specialized solutions) as well as down-market (simplified and unbundled applications).
- In the enterprise communications and collaboration market as a whole, growth is driven by converged tools, mobility, cloud services, analytics, and richer integrations. The scope and market of conference service as a whole in view of technological developments have expanded manifold. The total market can be segregated between

Audio Conference, Managed Video conferencing, Hosted Video and Hosted Web Conferencing services.

In view of the immense growth opportunities, TRAI should consider supporting this growth trajectory through its regulations in creating an environment which fosters innovation while embracing technology.

- There should not be any license fee and entry fee for providing such audio conferencing service as is the case presently.
- Such entities cannot be compared to a telecom licensee/operator who have the right to create infrastructure and provide telecom service under their single license. The existing license for Voice Mail / Audio Conference / Audio Tex / Unified Messaging only permits creation of infrastructure/platform or bridge. For provision of telecom service there is a dependency on existing telecom operators to provide the said connectivity to the infrastructure thus created. Unless the connectivity is sourced separately, the infrastructure created is not of much significance as it is unable to provide any service to the customer. This is similar to the OSP registration where the OSPs are required to source telecom connectivity from authorised telecom service provider. This is similar to an IP-I registration where the infrastructure can be created but the transmission bandwidth / connectivity is provided by another operator.
- Accordingly, the providers of standalone audio conference services should be accorded the same treatment from policy perspective.
- The scope of service area needs to be expanded from SDCA to SSA or Circle level. The call routing in such case should continue to be permitted for local, domestic long distance and international long distance (both incoming and outgoing).
- Since a audio conference license holder is mandate to secure telecom connectivity from authorised telecom service provider, the current prohibition a single service provider for making both outgoing and incoming calls need to be removed.
- The conference bridge/platform should be technology neutral and need to be permitted for termination of IP and PSTN calls. Regulations should be devised to enable and encourage such interconnections.
- The key objective of the prestigious “Digital India” programme is to transform, our country into a digitally empowered society and knowledge economy. One of the way this is possible if the underlying regulatory and policy framework should enable proliferation of services and use of technology without any restrictions. The customer should be able to make legitimate use of technology / services which help advance its objective and business.
- The current restrictions relating to a audio conference bridge emanating from being treated as a public network need to be reviewed to allow seamless interconnection between IP and PSTN. This will empower users to make and derive full use of technology. The bridge should be technology neutral.

- The first vision of the prestigious “Digital India” programme is on Digital Infrastructure as a utility to every citizen. Therefore the use of said Digital infrastructure need to keep pace with the technology and should not have any restriction on what kind of traffic rides on it. So long as it is for the benefit of consumer it should be encouraged. Similar philosophy should be followed for the platform created to offer audio conference service.
- TRAI has treated the Audiotex/UMS as a content/application provider. TRAI in its recommendations on “Growth of Value Added Services and Regulatory Issues” dated 13th February 2009 and Application services recommendation of May 14, 2012 had recommended Audiotex as content service. Therefore there should not be a case for continuing such services under section 4 of Indian Telegraph Act, 1885.
- It is important to have a separate standalone license for both Voicemail / Audiotex / Unified Messaging service. This is an independent platform based service which does not require any network deployment in terms of bandwidth / telecom resources as part of its terms and conditions.
- As per TRAI recommendations on Licensing issues relating to Voice Mail and Audio Tex services dated 29th December, 2000 has duly noted:
 - **The Voicemail/ Audiotex service provider is essentially a Content Provider.** It depends upon the public carrier such as PSTN, PLMN etc for subscribers to reach its server. The Voice Mail service enables the subscribers to record their messages in a computer memory area called a ‘Mail Box’. Its recorded message can be retrieved by the recipient by dialing a telephone number. Audiotex is a generic term for interactive voice response equipment and services. Audiotex to a telephone instrument is what data processing is to a data terminal.
 - **Both the services are essentially content services and not carriage services.**
 - As per the guidelines for Value Added Services, the Audiotex equipment shall provide a range of interactive facilities to enable callers to respond to audio prompts within the service like:
“Conferencing (enabling two or more callers to speak to each other, or to listen to others speaking)”.(Emphasis supplied)

It further stated that as per the internet policy, pure Content Services are not to be licensed at all. The Authority is of the view that for all kinds of content services i.e., whether they are provided on the Internet or other Public Network platforms such as PSTN/PLMN etc., identical policy should be followed.

- No Revenue sharing for Content Services is being recommended as the revenue share should be charged only from telecommunication carriage service providers or network operators and not from content application service providers such as Voice Mail/ Audiotex.

- The migration to Unified License regime should not be made **mandatory** and the License holder should be allowed to serve its complete term of 20years (15years + 5 years extension).
- Over the years the concept of conferencing has evolved. Today the technology has changed the basic paradigm of how conference is being done. There are numerous conferencing products available in the market which provides a seamless service while providing multiple features.
- The Hon'ble Authority should frame regulations which encourages emerging technologies for a seamless conferencing experience.
- Today with the help of a smart phone a user is able to initiate a conference call with multiple parties and is no more dependent on 1800 number or a specific provider for the conferencing requirements. Therefore the regulation should take note of these developments and the emerging technologies and services and then take a decision in a manner that promotes conferencing in a seamless way
- The regulations on audio conferencing service should be light touch and should be such which encourages more people to people communication. Given the user base of conferencing is largely enterprise customers, the regulations should permit interconnection between bridges located domestic and worldwide. TRAI should consider the TEC GR dated March 2009 (as attached) relating to Audio Conferencing Services in this regard. This is certainly subject to ensuring the compliance requirements being met and the underlying connectivity is sourced from authorised telecom operators to protect exchequer's revenue and prevent any toll bypass.
- There should not be any entry fee for securing authorisation to provide audio conference services. The regulatory framework should encourage entrepreneurs to come forward and become niche providers of services as against taking licenses which may at times be non-viable from commercial / business stand point given high entry and recurring financial out go in the form of license fee.

Q1. In view of the discussion in Para 2.13, is it necessary to have a separate standalone licence for Voice Mail Service? If so, why? Please provide detailed justification?

AND

ACTO's Response:

- We recommend that Audiotex/Voicemail service should continue to be treated as Content service and there should be an OSP like Registration process for these services rather than having a requirement to sign a separate license agreement. In an event the existing framework on having separate standalone license should continue.
- There is also a need to rename this License to include the word "Audio conferencing" service appropriately. The current license is titled "Voice Mail / Audio Tex / Unified Messaging Service". Any entity desirous of providing Audio Conferencing service is

accorded the said license. It is necessary that the words “Audio Conferencing” be added specifically to avoid any ambiguity.

- We believe that it is necessary to have a separate standalone license for both VMS and Audiotex service. Voice Mail Service is an independent platform based service which does not require any network deployment. In such a case, any entrepreneur who wishes to offer only Voice Mail Service should have option to offer standalone service. Secondly, VMS is also used in combination with Audiotex services. As per TRAI recommendations on the subject dated 29th December, 2000 Voice mail service has got wide range of applications: as given below, some of which are in combination with Audiotex services and are relevant even today.

Authority has always treated Audiotex/Voice Mail as a content service and the same is attested by TRAI recommendations in the past. Here we draw the attention of the Authority to its earlier Recommendations on Licensing Issues relating to Voice mail and Audiotex service dated 29th December 2000 wherein the Authority had stated that:

“The voicemail/Audiotex service provider was essentially a content provider. He depends upon the public carrier such as PSTN, PLMN etc for subscribers to reach his server.....”

1. Additionally, TRAI in its Recommendations on “Growth of Value Added Services and Regulatory Issues” dated 13th February 2009 and Recommendations on Application Services dated May 14, 2012 had maintained its position of treating Audiotex/voicemail as a content service.
2. In light of above, there are enough precedence in the past wherein the Hon’ble Authority and DoT had treated Audiotex/Voicemail as a content service, which are dependent on the public carrier such as PSTN, PLMN network for the subscriber to reach.its bridge / server.
3. Thus, Audiotex/voicemail service is not different to the “**Other Service Providers**” (OSP) which are dependent on the resources like PRI etc from Access service provider to reach out to their customers. The current license cannot be compared with other full-fledged licenses which authorises an entity to create the necessary telecom infrastructure as well as to provide telecom service. An audio conference licensee instead just has a right to create the necessary infrastructure (installation of bridge). In order to make it functional it has to buy telecom resources from any of the authorised telecom licensee in India so that all calls dialled into the Conferencing Bridge are duly connected. If the said underlying connectivity is not available, the licensee will be unable to service its customers. This is similar to an OSP who can set up the necessary infrastructure but will not be able to serve or utilise the infrastructure unless the underlying telecom connectivity is sourced from an authorised telecom service provider.
4. We therefore urge to the Authority to continue with its earlier stand of treating Audiotex/Voicemail as a content service and recommend for OSP like Registration process for Audiotex license/Voicemail service which includes Audio Conference

service. Additionally the existing framework of separate standalone licenses should continue.

5. Further, there is a requirement to appropriately rename this license to include the word “**Audio conferencing /Multi-party conferencing**”, this will surely bring more clarity and avoid any misperception, if any. To elaborate, TEC in its service requirement No SR/ATS-01/02 May 2003 (which supersedes Sep’ 1994 SR) for Audiotex service dated May 2003 has clearly captured the scope of the Audiotex license which includes **multiparty conferencing** i.e. enabling two or more callers to speak to each other, as one of the prime service to be provided by the Audiotex licensee.
6. It is worthy to mention here that in part IV of the Audiotex license i.e. under the Technical conditions Clause 19.2 DOT has stated that :

*19.2 TEC specification number V/VMS-01/02. September, 1994 defines the parameter of the Voice Mail Service, **scope of service** its key element its interface specification, service description and quality of service to be, by a LICENSEE.*

7. Thus, DoT has included above mentioned TEC Service Requirement as scope of the Audiotex license allowing Audio conferencing under the scope of this license. Moreover, DoT has followed a practise of issuing Audiotex license to all the eligible applicants who have applied for only the audio conferencing service. It is therefore pertinent to rename this license and include audioconferencing word as the identity of this agreement.
8. Audio conferencing service architecture has advanced over the years. Most importantly, audio conferencing services now encompass both traditional TDM and VOIP network architecture. Furthermore, with the proliferation of personal smart devices (e.g., Smart phones, tablets, Smart TV, etc), audio conferencing can be conducted over a wide variety of devices and geographical boundaries. Corporate users, in particular, very often require global and ubiquitous access across national boundaries. It is therefore important that TRAI does not impose any technological (TDM or IP) restriction on how audio conferencing service is implemented in India nor how the service is interconnected with similar services worldwide. The technical specification should be left open to the service provider as long as a Facilities Based Operator provides the underlying transport facilities.

ACTO’s Recommendations:

- a. The existing Audiotex/Voicemail service (which also allows provision of audio conference service) to be treated as Content service and there should be an OSP like Registration process for these services rather having a requirement to sign a separate license agreement.
- b. Further the current nomenclature for Voice Mail / Audiotex / Unified Messaging Service license should name should be reworded to include Audio-conferencing as a leading service under its scope. here is sufficient scope of co-existence of standalone licence and other full fledged license to provide these service under their licenses. An Audiotex/Voicemail service should continue to be treated as Content service and facilitating license be available for small time player and new operators to co-exist. It would also be good to change the nomenclature from Audiotex to Audio conferencing, Audiotex is no longer a service that is offered by operators

There are many players like Permier Global Service, Free Conference, Intercall, Arkadin who are predominantly in the space of providing seamless audio and video conferencing facility across the globe.

Q2. If the answer to the Q1 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?

AND

Q3. In view of Para 2.17 and present technological developments, is it necessary to have a separate standalone licence for only Audiotex Service? If so, why? Please provide detailed justification?

AND

Q4. If the answer to the Q3 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?

AND

Q5. Whether there is a need for standalone licence for providing Audio Conferencing Service? If yes, whether the technical specifications need to be explicitly defined? Please provide detailed justification?

AND

Q6. If the answer to the Q5 is in the affirmative, what should be the technical specifications for providing Audio Conferencing Service?

AND

Q7. Is it necessary to have a separate licence for Unified Messaging Service when holding an ISP licence is mandatory to provide the Unified Messaging Service and standalone ISP licensee is also allowed to provide Unified Messaging Service? If so, why? Please provide detailed justification?

AND

Q8. If the answer to the Q7 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?

ACTO's Response:

Audio conferencing allows multiple parties to connect using devices such as phones or computers. This can be a solution for a number of problems that can arise when multiple parties need to meet.

In our view there is a need to continue with the present license for VMS/Audiotex service which provides for provision of Audio Conferencing services by VMS/Audiotex licensees while providing clarity in respect of scope of services as well as the manner in which connectivity

resources will be taken by the VMS/Audiotex licensees. Both these services are Platform based services which use PSTN connectivity as an input resource only to provide the Value Added service of Audio Conferencing and various other services covered under VMS/Audiotex. Such Platform based services should not be clubbed with any Network service. Audio Conferencing Bridge is a Platform which enables 2 or more participants to get into a conference call. This service is critical for enterprises globally to conduct business and host audio conferencing remotely.

Technical Specifications for Audio Conferencing Services are already well defined in TEC document “Audio Conferencing Service - Generic Requirements TEC/SR/SA/ACS-001/01/MAR-09”.

These requirements should further be aligned to Global Practices & ITU Recommendations ITU T.120 & T.122 on ‘ Multipoint Communication Service’.

Increasing Global nature of businesses with Indian Companies going overseas and becoming Multinational Corporations while focus on bringing investments in India means more & more Global Companies setting facilities in India requires robust collaborative telecommunication services.

Audio Conferencing service is critical to such enterprises having offices across the globe including India. Authorities must ensure that the Audio Conferencing License is thus aligned to ITU norms and caters to universal needs of these Global MNCs.

Revised technical Specification should also include.

1. Removal of restriction of single operators for dial out facility to increase the competitiveness and better pricing to consumer.
2. Possibility of Web conferencing on the same bridge, with PSTN and IP logical portioning.... this will ensure progressive and best in class service to customers in comparison to outside India Conference.

Revised technical specifications should reflect changing technological advancement & business needs. It must encourage innovation and competition. The current Voice Mail / Audiotex / Unified Messaging Service license was last updated in the year 2001 when only the PSTN services

were prevalent in Country and amendment was also done in year 2004 allowing dial out facility to these licensee using single authorized service provider. Thus, there is a need to make changes in the existing said License to allow the contemporary technological advancement/standards especially in the era of IP conferencing, Webex, Telepresence etc. to take this platform/service to the next level. The conferencing bridge should be technology neutral to permit calls from both IP and PSTN to terminate on the bridge. TRAI in its recent papers / recommendations have paved the way for an all IP network as well as sought views on determining interconnection regime between IP and PSTN. TRAI should consider this aspect in order to ensure that the benefits of technology reaches the consumer. In today's scenario where consumers have multiple options to connect, there shouldn't be any sort of barrier for a seamless converged conferencing service. There are multiple platforms available today for providing a converged conferencing service. However these are used in isolation given the existing license conditions which treats audio bridge as a public network and allows calling (To and Fro) using a PSTN connection. Additionally, the bridges are used largely by Enterprise customers, BPO, IT/ITES, and Indian MNCs who have legitimate need to utilise conferencing services. The companies prefer a converged platform. The current methodology of dialling only through PSTN needs to be improvised to be at par with what technology is capable of undertaking.

In order to enable all such services, it is important that the suitable change should be done in the current Voice Mail / Audiotex / Unified Messaging Service license and the scope should be widened to allow both the IP and PSTN callers to connect to the same bridge and have the multiparty conferencing with the convergence of these IP – PSTN platforms. We recommend separate license for UMS to allow innovation and entrepreneurs to offer standalone service without additional obligations.

As per TRAI recommendations of 29th December, 2000 even Audio Conferencing services are covered under the scope of Audiotex service. Technical Specifications for Audio Conferencing Services are already well defined in TEC document "Audio Conferencing Service - Generic Requirements TEC/SR/SA/ACS-001/01/MAR-09". These requirements should further be aligned to Global Practices & ITU Recommendations ITU T.120 & T.122 on ' Multipoint Communication Service'.

Time has come that we deliberate the above in detail in the larger interest of the consumers who should get benefits of technology and affordable prices. If there are any concerns around security or revenue by removing such restrictions, those need to be deliberated and not continue to be prohibited as is currently.

The next wave of telecom growth and digital revolution will ride essentially on data. Policies which have helped steered the growth of voice sector may not necessarily be apt or relevant and suitable for the growth of data services in which technological advancements have an important role to play. The scenarios under which the legacy guidelines were formulated may not be that relevant as they were in the past. This is because the manner in which voice service is provided has changed in view of the technological advancements. Therefore there is a legitimate need for policies to recognize the advent and potential of emerging technologies which will significantly help in proliferation of data services. The policy measures will not only open up the data sector, but will also help place India at the helm of technology advancement globally.

Increasing Global nature of businesses with Indian Companies going overseas and becoming Multinational Corporations while focus on bringing investments in India means more & more Global Companies setting facilities in India requires robust collaborative telecommunication services. There may be some need to review the existing technical specifications keeping in mind IP based platform, technological advancements and increasingly global nature of businesses.

Audio Conferencing service is critical to such enterprises having offices across the globe including India. Authorities must ensure that the Audio Conferencing License is thus aligned to ITU norms and caters to universal needs of these Global MNCs.

Revised technical Specification should also include:

1. Removal of restriction of single operators for dial out facility to increase the competitiveness and better pricing to consumer.
2. Possibility of Web conferencing on the same bridge like Screen sharing, White boarding etc, with PSTN and IP logical porting. This will ensure progressive and best in class service to customers in comparison to outside India Conference. In fact due to cost efficiency, we will be able to increase the incoming volume to India resulting in better termination revenue

The National Telecom Policy 2012 under Point 6 of its Preamble, Objectives and Strategies has duly recognized the need for convergence of technologies, services, networks and platforms. Convergence will enable a much advanced and open IP platform which will enhance the end-user experience and will efficiently address the growing business needs by leveraging on the best of both worlds (IP & PSTN).

In order to realize the true potential of convergence of services, network and devices and to achieve the stated objectives of the convergence goals of Network / Services / devices, the

restrictions/ barriers between different IP/ PSTN networks should be removed to ensure seamless interconnection.

IP-PSTN interconnection would lead to interconnection of IP and TDM networks. This would necessitate an interconnection regulation, which may be framed by TRAI.

The continued restriction would impact the transition towards achieving the stated objectives of full convergence goals of networks / services / devices as enshrined in the National Telecom Policy 2012.

Telecommunication networks around the world are moving towards all IP based next generation networks (NGN). This migration is driven by higher economies of scale and scope, price reductions for IP network elements, opportunities for new services and an improved experience for the end users. In IP based networks, the service layer is separated by the transport layer, which transforms them into a platform of converged infrastructure for a range of previously distinct networks and related services. These features may have an impact on traditional business models and market structure, as well as on regulation. The legacy telecommunication markets have typically been regulated and governments around the world have issued policies for the sector, whereas the developments towards IP based networks, which are characterized also by the convergence of services, require light touch of regulation/control and the migration of NGN has been left on commercial decision of the telecom service providers.

Further, **we also submit that the service area scope of the Voice Mail / Audiotex / Unified Messaging Service license should be enhanced from SDCA to SSA or Circle level** and all artificial fences of not allowing IP-PSTN connectivity at the bridge should be done away with. There should be a free play in the market wherein the service provider should be free to choose any technology platform to provide cost effective service to the end user. Restrictions create non level playing field.

As discussed above, the technical specifications should be left open to the service provider

We request that TRAI should clearly define the mechanism by allowing a technology agnostic platform to be used by the service providers without any barriers.

There is a need to review the existing technical specification in view of the fact that the license was written many years back and the technology advancement have happened many fold since. The world over things have moved from traditional PSTN based calling to now VOIP or rather Everything on IP (EOIP). The horizon of audio conferencing is no longer domestic but predominantly global and accordingly there is a need for necessary amendment in the Audiotex license. Thus, there is a need to make changes in the existing Audiotex License to allow technological advancement especially in IP conferencing, Telepresence, Webex etc.

It is important that suitable change be done in the current Audiotex license to allow both the IP and PSTN callers to connect to the same bridge and have the multiparty conferencing with the convergence of these IP – PSTN between people in India and abroad to enable affordable solution and India be able to offer the latest solution available in the world. Regulation should not be acting as a deterrent in allowing technology advancement from being offered to people of the country on the garb of protection of traditional voice solution. The eco-system is fast evolving and there is a paradigm shift in service offerings by the operator and the line between PSTN & IP disappearing. Its only a matter of time that all operators will move today's data only offerings. **In fact convergence and efficient delivery are essential for the survival of the service providers.** All communications services will need to be converged very soon to offer voice, text, video, and pictures via a single platform. This will also assist the threat posed by OTT players to large extent, while addressing the security concern with OTT service.

The National Telecom Policy 2012, under Point 6 of the Preamble, "Objectives and Strategies" duly recognized the need for convergence of technologies, services, networks and platforms. Convergence will enable advancement and open IP platform which will enhance the end-user experience. IP-PSTN interconnection would lead to interconnection of IP and TDM networks. Envisaging this technology advancement, there are already provision for PSIT to IP interconnect and recently even IP to IP interconnect was duly amended by DOT.

We also submit that the service area scope of the Audiotex license should be increased from SDCA to Circle level and all artificial barriers be removed and allow IP-PSTN connectivity at the bridge.

Q9. In case Voice Mail / Audiotex / Unified Messaging Service requires a licence should they be made a part of the Unified Licence as one of the services requiring authorisation? Please provide detailed justification?

AND

Q10. If the answer to the Q9 is in the affirmative, what should be Service Area? Whether Service Area may be similar to the Service Area of ISP (National Area, Telecom Circle/Metro Area, Secondary Switching Area) to bring in uniformity among the Service Areas of different services? Please provide detailed justification?

AND

Q11. If Voice Mail/Audiotex/Unified Messaging Services is made a part of the Unified Licence as one of the services requiring authorisation, then what should be the Entry Fee?

AND

Q12. Whether there should be any requirement for Minimum Net worth and Minimum Equity for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

ACTO's Response:

With reference to our reply to Q1 of this paper wherein ACTO has requested Authority to continue with its earlier stand of treating Voice Mail / Audiotex/Unified Messaging Service license as a content service and recommend OSP like registration process for the Audiotex/voicemail service rather than a licensing agreement, we urge the Authority that **Voice Mail/Audiotex/Unified Messaging Service should not be made a part of the Unified Licence as one of the services requiring authorisation.**

Any step to include this Voice Mail/Audiotex/Unified Messaging Service under the UL authorization will lead to a regressive step for the growth of these services in the Country. With the Technological advancement in the era of IP conferencing, Webex, Telepresence etc. there are multiple new entrants who are eager to take this platform/service to the next level. Having standalone registration (niche players) for such value added service will open up Job opportunities in the sector. Thus, it is the need of the hour to have a light touch Regulatory regime to let these services grow faster and more competitive in the country. Thus we request that these services should be allowed to be provided under a separate registration process and should not be cocooned to UL authorization licensing regime.

In the year 2000 when the Authority made its recommendations on Audiotex/VM/UMS, TRAI had advocated no entry fee, No Networth/minimum equity as these were content services which are purely dependent on the Authorized service partner for the last mile, the excerpt of the 29th Dec 2000 recommendations is as below:

It will be seen from the descriptions that both the services are essentially Content Services and not a Carriage Service. Voice Mail and 'On line data base interactive services' on the Internet platform are both identical Content Services being provided through a website which is a computer connected to the network. Govt. has already issued liberal guidelines for the Internet. As per the internet policy, pure Content Services are not to be licensed at all. The Authority is of the view that for all kinds of content services i.e., whether they are provided on the Internet or other Public Network platforms such as PSTN/PLMN etc., identical policy should be followed.

Thus, it is strongly advocated that the Authority to continue with its earlier stand of no Entry fee, minimum equity on these services.

ACTO recommendations:

- a. Voice Mail/Audiotex/Unified Messaging Service should not be made a part of the Unified Licence as one of the services requiring authorisation.
- b. Authority to continue with its earlier stand of no Entry fee, minimum equity on these services.
- c. Instead provision of voice mail / audio text / voice mail services should move to a registration based regime given its similarity with OSP as explained above.

In view of our recommendation of broadening the scope from pure PSTN to also include IP based platform, it is thus, recommended that the license be issued on all India bases or at least on per circle basis. With the concept of One Nation- One License, there is a need to remove these barriers related to circles, specially going forward when everything will move to IP.

Q13. The annual licence fee for all the services under UL as well as for existing UASL/CMTS/Basic Service/NLD/ILD/ISP licensees have been uniformly fixed at 8% of AGR since 1st April 2013. Whether it should be made same for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence? If not, why?

AND

Q14. In case the answer to the Q13 is in the affirmative then what should be the definition of AGR for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

ACTO's Response:

DoT has always maintained its stand of not covering the content/application service providers under the licensing regime. The key reason behind this is that the technological growth, innovation should not be stalled and telecom services in India should grow with the pace of the technological advancement worldwide and the citizens should enjoy the cost effective services at their end. This has been possible with the continuance of the light touch regulatory regime on these content companies. We therefore strongly submit that the Audiotex/ VM/UMS should be kept out of the purview of the Unified license or any imposition of License fee.

However, since a VMS/ Audiotex/ UMS / Audio conferencing service provider is an application service provider who procures telecom resources from licensed telcos and pays for the same, the payment made to licensed service providers by VM/ Audiotex/ UMS / Audio conferencing service provider should be allowed as pass through charges and AGR should be calculated by deducting these charges from the gross revenue. Payouts made by VM/ Audiotex/ UMS / Audioconferencing service provider for telecom resources like PRIs, Access Numbers etc procured from licensed telcos must be therefore allowed as pass through charges while defining AGR and GR for these services.

An additional levy of 8% will be taxing to the innovation and development of these budding services in the Country. Any decision to levy a license fee should only be done once the definition of Gross Revenue / Adjusted Gross Revenue is finalised. TRAI recommendations dated 6th January 2015 is still under the consideration of Telecom Commission. Additionally if the Hon'ble Authority decides to place such service outside the licensing framework, then there will be no need to prescribe a entry fee. Adjusted Gross Revenue should be exclude payouts to Telcos for telecom resources procured,platform / infrastructure fee or revenue share paid to technology partner and any other taxes paid.

Q15. What should be Performance Bank Guarantee, Financial Bank Guarantee and Application Processing Fee for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

ACTO's Response:

We submit that current PBG of 3Lacs for providing these services in the market, should be continued with to have a minimum level check on the service providers.No separate Financial Bank Guarantee is envisaged.

Q16. Whether the duration of the licence with Voice Mail/Audiotex/Unified Messaging Services authorisation be made 20 years as in the other licence authorisations under Unified Licence? If not, why?

AND

Q17. What should be the terms and conditions for the migration of the existing Voice Mail/Audiotex/Unified Messaging Services licensees to Unified Licence?

AND

Q18. Whether the existing Voice Mail/Audiotex/Unified Messaging Services licensees may be allowed to continue or it would be mandatory to migrate to the Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

AND

Q19. What should be the annual licence fee for existing Voice Mail/Audiotex/Unified Messaging Services licensees who do not migrate to the Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

ACTO's Response:

While we reiterate our request to bring Audiotex/VM/UMS under the registration process like OSP.We recommend that existing Voice Mail / Audiotex / UMS licensees may not be forced to migrate but their license terms and conditions should be amended to bring them at par with the new license for these services. These services are Platform based service and there should be offered under standalone License. Notwithstanding which if the Authority decides for the Licensing regime for these services. It is submitted that the existing licensees should be allowed to complete their licensing tenure of 20 years (15 years plus 5 year extension) and there should not be any forceful migration to the UL . It may kindly be noted that any mandatory/forceful migration of existing licensee is against their legal rights of completing full tenure of the license agreement.

Authority may also note that in the recent UASL/CMTS to UL migration, DOT has allowed licensees to complete their full tenure of 20years before issuing new UL to them. The same policy decision should be applicable in this case and the existing Audiotex licensees should be allowed to complete their 20 years tenure before shifting to UL. Even the current OSP registration is valid for 20 years. Therefore, all telecom authorisations, licenses and registrations should have a uniform 20 years tenure subject to renewal.As far as LF is concerned the current Audiotex license does not mandate any LF of the existing licensees and the same principle should be continued with until they complete their full license tenure of 20 years.

We recommend that terms and conditions of existing standalone Voice Mail/Audiotex/Unified Messaging Services licensees should be amended to bring them at par with the new standalone license for Voice Mail / Audiotex / UMS including levy of license fee.

ACTO also recommends, these services should be allowed to continue independent of the Unified license regime on a standalone basis as these are in the nature of application services which require connectivity resources from the licensed service providers.

We once again recommend that terms and conditions of existing standalone Voice Mail/Audiotex/Unified Messaging Services licensees should be amended to bring them at par with the new standalone license for Voice Mail / Audiotex / UMS including levy of license fee.

Q20. Please give your comments on any related matter, not covered above.
