Consultation Paper on Review of Terms and Conditions for registration of Other Service Providers (OSPs)

We, Exotel Techcom Private Limited (hereinafter referred to as "**Exotel**"), are an Indian company based out of Bangalore and are engaged in the business of providing cloud communication solutions to enterprises in India and South-East Asia.

We want to thank TRAI for coming up with this important consultation framework which impacts not only the call centre industry but also our nascent industry of cloud telephony. We look forward to new framework which has simplified and clear guidelines for both OSPs as well as HCCSP

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.

The current definition of Application service is very broad and includes any company which might be performing IT enables services using telecom resources. It is prone to wrong interpretation on the field and even a cloud telephony company which is in essence only providing API on top of telecom infrastructure will be construed as an OSP.

It is essential to distinguish between the companies which are providing various services (banking, health sector based, education based etc) to their customers using telephone resources and the companies which provide IT based product/services for another company rather than for end customers.

The definition for Application service in context of OSP needs to be based on the main objective of TRAI to mandate OSP registration. For this purpose, it seems that limiting OSP to companies that engage in 2-way communication services using telecom resources between their end customers (captive customers) and company representative should be a good starting point. This will only cover companies which have an agent interacting with an end customer using telecom resource and would thus cover most of BPO sector leaving out other sectors

Q2 – Q7: Regarding OSP license and registration

It is our view that OSP license and registration requirement should be completely done away with to create an environment of innovation. India under current leadership is moving towards ease of doing business and we should look at removing licenses and registration which are not relevant.

We can objectively look at details on why the registration is considered mandatory and if there is a current need to mandate the same

1. *Statistical information*: We can run this through surveys to understand number of people employed in BPO industry as well as ask companies to fill details of their BPO

call centres as part of a simplified yearly company declaration process. We should also try to understand if this information for which we have created this entire process is a must have or good to have

2. *Ensuring that their activities do not infringe upon the jurisdiction of other access providers*: This is one of the major concern since TSP's have invested in licenses and spectrum and it is possible to enable toll-pass considering current technology advancement. At the same time, this responsibility could be easily passed over to the TSP's to manage. The only way for BPO industry/call centre industry to obtain telephony lines is through TSP's. Each OSP should be required to furnish complete architecture and diagram to TSP prior to obtaining a PSTN connection and they should be subject to periodic inspection to make sure that the solution provided is as per the architecture

3. *Providing special dispensation to boost the BPO sector:* Industry has moved into a matured state and we need to re-look at the need of providing any dispensation to boost the BPO sector

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.

Network diagram and network resources established currently should continue to govern the agreements between TSP's and OSP's. At the same time it is important to re-look into entire toll bypass argument since it hampers innovation in voice industry. All the developed economy are moving towards an open regime were calls can be transferred between IP and PSTN seamlessly and this has proved to enhance innovation in voice communication.

We need to formulate clear regulations around the same so that we can create forward looking industry. It is important to recognise Contact Centre Service Providers (CCSP) or Hosted Contact Centre Service Providers (HCCSP) who can work closely with TSP to create a conducive environment for this innovation.

Q9/ Q10

No comments

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.

Yes for now. But as argued in response to Q8, we should look towards a more progressive and liberal regime. The logical separation will become irrelevant once seamless transfer between IP and PSTN is allowed

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.

Yes for now. But as argued in response to Q8, we should look towards a more progressive and liberal regime. The logical separation will become irrelevant once seamless transfer between IP and PSTN is allowed

Q 13. 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.

We should look at real reason behind the need for these compliances and try to address those. The OSP should be free to adopt the best fit technology / infrastructure to be deployed for a forward looking industry.

In current scenario, TSP's should be tasked with regular audits against the architecture submitted at the time of procurement of telecom infrastructure. OSP's should be allowed to file for any grievance to TRAI against TSP if they believe that the TSP is taking unfair advantage.

Q14/Q15

As argued earlier, we believe that OSP license should be completely done away with to create an environment of innovation

Q16/17/18

We should look at real reason behind the need for these guidelines and try to address those. The OSP should be free to adopt the best fit technology / infrastructure to be deployed for a forward looking industry. . In the Cloud Age, sharing of infrastructure is the new normal and regulation shall not artificially inflate the technology costs, without serving any significant regulatory purpose

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.

Logical partitioning is only intended to accomplish the objective of preventing PSTN and IP integration. It is important to re-look into entire toll bypass argument since it hampers innovation in voice industry. All the developed economy are moving towards an open regime were calls can be transferred between IP and PSTN seamlessly and this has proved to enhance innovation in voice communication.

We need to formulate clear regulations around the same so that we can create forward looking industry. It is important to recognise Contact Centre Service Providers (CCSP) or Hosted Contact Centre Service Providers (HCCSP) who can work closely with TSP to create a conducive environment for this innovation.

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.

We would like to thank TRAI for recognising this industry which has been ignored in the past. CCSP/HCCSP are voice technology provider and provide services on top of the TSPs by adding voice API to the infrastructure layer. There is no infringement on the scope of service since Cloud contact service provider run on top of telephony provider and cannot substitute for their services. Voice infrastructure is completely owned by TSP's and CCSP are providing only API's on top of this voice service. To give a crude analogy, TSP's are like electricity and CCSP are like electrical equipment which run on top of the electricity to provide directly accessible service to the customer.

Since TSP's own the telephony infrastructure, the onus of regulating CCSP should fall on TSP's. This should be similar to OSP regulation which is already discussed as response to Q8. CCSP should be required to submit architecture to TSP's while procuring telecom resources and they should be subject to a bi-annual audit by TSP's. TSP's should be responsible for making sure that CCSP is not inter-mixing IP and PSTN.

 At the same time it is important to re-look into entire toll bypass argument since it hampers innovation in voice industry. All the developed economy are moving towards an open regime were calls can be transferred between IP and PSTN seamlessly and this has proved to enhance innovation in voice communication.

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

The primary concern as and when interconnection between data and voice path is allowed should be of national security. Each IP call needs to carry a 10 digit number and there needs to be a clear path established on allowing for virtual number purchase. If and when any call is received from any OSP or CCSP that does not bear any 10 digit DN provided by any Licensed BSO/TSP, then such OSP can be immediately investigated and basis any unscrupulous activity, be suspended and further action be taken.
There should be clear KYC compliance mandated for procurement of virtual numbers and re-selling virtual number could serve as added revenue stream for TS

Q23/24.

Current process is adequate and this can be re-looked when interconnection of data and voice path is allowed for domestic operations.

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

The guideline regarding 'Work from Home' is outdated and does not comply with the changes that the industry is witnessing through the world. In the age of cloud enabled technologies where any one can operate securely from anywhere; there shall not be any restrictions on the location of the associate for handling the business communications. It should be allowed without any restrictions.

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.

Yes it should be allowed. Post simplification of entire regime, there should not be a need to govern the industry. IT Act and data privacy act should be tightened to make sure that they sufficiently cover all the necessary T&C's to govern this industry

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.

In case EPABX is located in foreign location, the agents should receive call from international numbers. The toll connect charges with local TSP will apply. In case the call connects over internet with the agent, the internet connectivity to local OSP centre is provided by the TSP. The TSP own the network and infrastructure and the call will pass through their system. They should be encouraged to look at innovative pricing structure rather than to look at this as infringement of current business.

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.

No Comments

Q 29. Do you agree with the provisions of penalty mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.

With the simplified regime discussed in previous questions, operators should be allowed to levy penalty on OSP's. TSP's should conduct bi-annual audit and should be allowed to disconnect lines provided to OSP's in the event of gross violation. The violation should be based on the architecture submitted to TSP and deviations taken by an OSP from the submitted architecture.
OSP's should have a grievance addressal mechanism set with TRAI to make sure that TSP's do not act unfairly in these cases

Q 30. 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.

Interconnectivity should be allowed since it will foster innovation in the space

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

The OSPs can't infringe into licensed TSP scope. They only do call conferencing and they put all their calls only through the PRI/SIP/ data circuits of the licensed TSPs. The TSP shall always gain an insight into the traffic flowing through the circuits provided by them and TSP can always assist any Law Enforcement Authority.

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

No comments

Q.33 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.

DND enforcement rests with access provider and there needs to be clear guidelines on the same for voice connectivity. At this point this is a grave concern since there is no clarity in the industry and no clear ownership is established. This is a separate topic and needs a discussion between TSP/ OSP and CCSP with TRAI. We request to organise an open house to discuss this in detail.

Exotel has been trying to have a discussion with regulatory authority of TSP's but there has been no movement and this problem continues to exist with no ownership

Q34. Stakeholders may also provide their comments on any other issue relevant to the present consultation.

The issue of DND enforcement remains a major concern and we would like to request TRAI for intervention to clarify the ownership and regulations in consultation with TSP/ OSP and CCSP