COMMENTS

Issue 1:

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.

Comment 1:

(i)   The definition of an OSP is ambiguous in the Revised "Terms and Conditions - Other Service Provider (OSP) Category" ("**OSP Guidelines**"). The terms 'infrastructure' and 'data centre' be appropriately defined to remove any ambiguity. Properly defining the terms will remove ambiguity both for different TERM Cells and the OSPs. The use of the word of the 'Application' also covers OTT. Hence, it needs to be defined clearly.

(ii)   Applications Services based on pure internet must be allowed without OSP registration as there is presently no regulatory framework governing the use of applications like Skype. Once there are regulations governing their use, the same may be applied to OSPs as well, if considered necessary at that stage.

Issue 2:

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.

Comment 2:

The requirement is to simplify the process and for that, a light touch regulatory framework is deemed fit. Therefore, a simplified registration process may be brought in the backdrop of an unambiguous regulatory framework.

Issue 3:

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

Comment 3:

The validity period of 20 years need not be reduced and the option of renewal for 10 years at a time may be continued.

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Issue 4:

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.

Comment 4:

The Bank Guarantee (**BG**) may be done away with and in its place, an undertaking may be obtained, failing which, appropriate action under law can be taken.

Should the bank guarantee continue, it needs to be clarified that only the OSP centres where the EPABX is located/ OSP whose EPABX is shared/ OSP who operates centralized EPABX, should be required to submit the BG and not the other OSPs who share this EPABX or benefits from centralized EPABX as any attempt for toll by pass or misuse of EPABX can be detected at Media gateways. Same should apply to use of CUG through EPABX. As EPABX sharing/ use of Centralised EPABX is very common now, the proposal will provide cost relief to OSPs and make India an attractive destination for foreign corporates.

Issue 5:

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

Comment 5:

The fee of Rs. 1000/- is reasonable and may continue.

Issue 6:

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

Comment 6:

As stated above, the existing procedure needs to be simplified. Once a company obtains registration for its one OSP centre, registration of other centres of the company should be allowed just with an application based on the information already available.

Issue 7:

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.

Comment 7:

An effort needs to be made to contact and notify the OSP centre that if it does not file its Returns within one months, it will be moved into the list of dormant OSPs.

Issue 8:

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.

Comment 8:

Network resources must come from TSPs of India but condition that OSP centre should directly be the TSPs customer may be relaxed. It will facilitate the provision of services/resources by Indian TSPs to OSP centres as part of the global arrangement. No revenue, should, however, be allowed to be transferred to foreign accounts of the TSPs. Some model Network Diagrams should be published by DoT to make it easy for OSP centres to follow one of them according to their needs. Interconnectivity between domestic and international OSP centres of different entities may be considered for the purpose of establishing data connectivity at the least as the current framework poses a challenge in providing services to sensitive groups like financial institutions that require data connection through their servers in India to access international data. Also, captive OSPs of many companies prefer to provide access through their OSPs.

Issue 9:

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

Comment 9:

While mixing of voice traffic may facilitate toll bypass, such risk does not exist in data traffic and therefore, rules need to be so amended as to permit data traffic flow without any need of segregation.

Different TERM cells, however, have different approaches to this issue and therefore in the interest of uniformity and clarity for all, it should be clearly laid down in rules that data traffic does not require segregation. Further, internet connectivity at one OSP location of a company should be permitted to be used at its other OSP locations with appropriate security conditions prescribed. While this will reduce the cost of internet connectivity for the OSP centres of the same company, it will also enable the DOT to trace the activities of all the OSP centres of the company sharing one internet connection.

Issue 10:

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.

Comment 10:

The provisions for hot sites may be amended in line with the above suggestion for interconnectivity between the hot sites of domestic and international OSP centres as far as data is concerned.

Issue 11 & 12:

11.   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.

12.   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.

Comment 11 & 12

Logical separation or otherwise be left to the negotiated solution between OSPs and TSPs. Same applies to interconnection between Domestic and International OSPs.

Issue 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.

Comment 13:

Current provisions like remote login, CDRs, IPDRs, logs are enough to keep a tab on the OSP activities from the centralised equipment. Also current security measures laid down in OSP Guidelines are effective to address any security requirements.

Issue 14 and 15:

14.   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?

15.   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.

Comment 14 and 15:

In the same LSA, extended OSP of the existing registered OSP may be allowed without any additional telecom resources. Optimal and efficient use of resources should be the main guide in such cases. Additional security compliances not required as the existing conditions under the OSP Guidelines and the telecom license are sufficient to take care of security issues.

Issue 16 and 17

16.   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.

17.   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

Comment 16 and 17:

Sharing of telecom infrastructure between Domestic and International OSPs should be best left to negotiated solution between OSPs and TSPs. Such a step takes care of problem of toll bypass and adoption of best technology option.

Issue 18:

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 ensured compliance of security conditions and avoid infringement to scope of authorized TSPs.

Comment 18:

As long as the OSP centre is able to provide mirror copy of the traffic exchanged on its network, no restriction is required to be put on the use of the EPABX from any part of the world. Most services are available on cloud and hence, the need for physical location of the EPABX in the OSP centre is not relevant. The existing security measures can be complied in a remote location if the traffic data is available.

Issue 19:

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.

Comment 19:

The provision of logical partitioning meant to restrict the mixing of traffic from domestic and international OSP as well as PSTN traffic with data traffic is required to be relaxed for OSP centres to allow the mixing of traffic as a special dispensation to OSP centres subject to compliance with the security conditions. Internationally there is hardly any such restrictions which do not bring any benefits to any stakeholders.

Issue 20:

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

Comment 20:

The existing requirements to maintain the traffic records, updating the network architecture with the records of the TERM Cell, allowing remote login and inspection of the functions of the OSP centre allows sufficient monitoring. The underlying network of the TSPs ensures that there is compliance with the broader conditions under the telecom license as well.

Issue 21:

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 service of authorized TSPs.

Comment 21:

Under the CCSP and HCCSP model, the infrastructure and telecom resources can be used efficiently such that duplication of resources is avoided. The segregation in resources meant for different OSP centres can be implemented to ensure that each customer is separate. If the TSPs are the hosts, no additional checks are required other than those that already exist under the telecom license. If the hosts are non TSPs and the compliances are managed by the OSP centres such that the hosts are merely space and infrastructure providers without telecom connectivity, no further regulation is required. The use of telecom resources of the TSPs is regulated by the telecom license and the use of such resources may be left to be decided by the customer and the TSPs. If CCSP/HCCSP do not encroach upon the scope of TSPs, they be permitted to offer services to OSP to enable the latter to conduct their operations at much cheaper cost. Let the benefits of technology flow to the OSPs, which will help small/medium enterprises to enter in the field of OSP business.

Issue 22:

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

Comment 22:

A special dispensation may be granted to the OSP centres allowing the interconnection of data and voice path to make the optimal use of resources. However, the TSPs be sounded on such permission. Monitoring of the underlying TSP network serves the purposes of security compliance.

Issue 23:

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.

Comment 23:

The use of CUG is crucial for the company and this may be permitted without the requirement of bank guarantee.

Issue 24:

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
Comment 24:

The CUG communication is for internal purpose of the company and should not be subjected to any monitoring requirements as long as the security conditions are met.

Issue 25:

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

Comment 25:

The work from home provisions are regressive requiring the use of PPVPN and pre-defined locations for its use. This defeats the purpose of work from home and renders the provision redundant. With the use of various application services on the internet, provisions that restrict the movement of the staff should not be allowed to continue as it hampers the growth of the industry. There are cheaper technological solutions for WFH, which should be permitted in order to popularize WFH for affording employment opportunities to women.

Issue 26:

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.

Comment 26:

The operation of domestic OSPs by an international OSP will lead to reduction in costs for the OSP and also yield better returns thereby attracting more players to India. As such, it will also not lead to any adverse use of telecom resources. It, however, needs to be ensured that OSPs do not encroach upon the scope of TSPs (NLD/ILD).

Issue 27:

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.

Comment 27:

The location of the physical infrastructure of the EPABX in a foreign location will not impact the security requirements like traffic records and remote login which can be accessed from the OSP location. Further, as long as the OSP centres are using the telecom resources of the TSPs like international long distance operators, the telecom license conditions would be met.

Issue 28:

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

Comment 28:

The security conditions are elaborated in the telecom license of the TSPs. These conditions include those covering the OSPs under the OSP guidelines. Further, the use of the telecom resources by the OSPs are governed by the agreement entered with the TSPs and the network diagram is also approved by the TSPs. Once the TSPs are accountable for the use of telecom resources directly to the DoT, it may be meaningless to hold OSPs responsible and thus, the security conditions should only apply to TSPs. Security conditions imposed on OSPs should not be more onerous than those imposed on a customer as OSPs are no more than customers of TSPs and do not exercise any control on movement of traffic.

Issue 29:

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

Comment 29:

At present, the penalty clauses seem to emanate from the wrongful use of telecom resources by the OSPs. The OSPs are covered by a registration process and not a telecom license and are

using the resources as customers of the TSPs. Therefore, the penal provisions under the telecom license are enough to cover any instance of violation by the OSPs.

Issue 30 and 31:

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.

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

Comment 30 and 31:

Interconnectivity may be permitted between domestic and international OSP centres across industry subject to the consent of the TSPs for use of the telecom resources such that security conditions are met. Safeguards such as use of the telecom resources to save its clients only may be introduced.

Issue 32:

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

Comment 32:

The provision of appointment of Arbitrator is arbitrary as the Arbitrator should be appointed by mutual consent of the parties and its seat should be the place of the LSA where OSP is registered.

Issue 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.

Comment 33:

In Chapter VI, OSPs be directed to seek registration under TCCCPR, 2018 also, if they are conducting any telemarketing activity.

Issue 34:

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

Comment 34:

OSPs face, more often than not, the challenge of interpretation when there is a difference of opinion between OSP and TERM Cell on any condition of OSP Guidelines. There are instances where different TERM Cells interpret same condition differently. DoT HQ. has been found lacking any effective mechanism to address this challenge. It is high time some effective mechanism is instituted at DoT HQ, which will certainly come to the rescue of the OSPs.

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