

Comments on Consultation Paper

Consultation Paper dtd. 29th March, 2019 on Review of Terms and Conditions for registration of Other Service Providers (OSPs)

Most Humbly Sir,

At the outset our gratitude to the Authority for coming out with this forward thinking consultation paper. It is a first to acknowledge advances in the telecom applications sector and furthermore availability of Hosted Contact Centers as a key component to infrastructure delivery. We look forward to a set of regulations that enable technology advancements in the country and provide an unambiguous and clear framework for functioning of Hosted Contact Center Service Providers.

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.

Application Services are well defined by TRAI.

*“Applications services are enhanced services, in the nature of non-core services, which either add value to the basic tele services or can be provided as standalone application services through telecom network. The basic services are standard voice calls, voice/non-voice messages, fax transmission and data transmission”.*¹

This definition suitably covers all the aspects of new user applications and service delivery scenarios without restrictions or clubbing of use cases. The definition provided as such does not need any changes.

In our opinion application services purely based on data / internet have no toll-bypass problems and therefore should not be covered under Applications Service for purpose of defining OSP.

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.

In its recommendations on Guidelines for Unified License / Class Licenses and Migration of Existing Licenses, TRAI has recommended a simplistic *Licensing through Authorisation*² process for all Application Services / Value Added Services. It is our suggestion that all OSPs / Application Services / Value Added-Services / (Hosted) Contact Center Services Providers are ultimately providing services that are well defined as Application or Value Added Services. We believe *Licensing through Authorisation* will make the process for such applications:

- a. Simplistic and reasonable for all value added services;

¹ Pages 89/90 of TRAI's *Recommendations on Guidelines for Unified Licence/Class Licence and Migration of Existing Licences (w.r.t. the reference received from DoT on the recommendations of 16th April 2012)*, dtd. 12th May, 2012.

² Pages 86-92 of TRAI's *Recommendations on Guidelines for Unified Licence/Class Licence and Migration of Existing Licences (w.r.t. the reference received from DoT on the recommendations of 16th April 2012)*, dtd. 12th May, 2012.

- b. Be agile enough to cover future developments / innovations;
- c. Provide a reasonable framework under which statistical data may be collected;
- d. Prevent any use-cases from being delivered that may not be in line with regulations; and
- e. Provide a great eco-system enabler for innovation and technological advancements.

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

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.

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

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

Questions 3-6: Documentation, fees and terms should be as per the guidelines and terms of *Licensing through Authorisation*.

Further to Question 6, there is a by-pass being used in the OSP Registration Process followed by most agencies taking OSP registration. To by-pass the rule of non-interconnectivity of different OSP centers, all that is done is that a leave and license agreement of is signed between the principals and different 3rd party OSP centers to prove site ownership. If *Licensing through Authorisation* are done, such by-passes (to the guidelines to achieve the desired purpose) will not be required.

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 should be provided in line with the recommendations for *Licensing through Authorisation*.

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.

As long as network diagram is approved, there should be no restriction on taking basic services from licensed providers. This will help improve competition and innovation in the sector.

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.

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.

1. If present day retail or wholesale market scenario is seen, there is now no differentiation between local calls or NLD call rates. All calls are at a flat rate, with most Access Providers providing unlimited NLD calls on basic rentals. This is because NLDO and Access Providers are arms of the same holding companies.
2. Inter-location call transfer of incoming calls to the same OSP / for same service, call carriage from PSTN to leased line / VPN are already permitted.
3. See response to Question 6 above on the by-pass being done between OSP locations based on individual leave and license agreements. This can be made simpler through use-case based permission of interconnectivity.

Given these justifications, Application Service Providers should be permitted to transfer inbound calls from one location to through on PSTN – VPN interconnectivity.

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.

No Comments.

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.

The most common component in these services is CDRs. Whenever there is PSTN connectivity a CDR is generated at the telcos (and as required on the watchdog terminal as well). As long as availability of CDRs is checked, watchdog terminals available and confirmations taken from Application Service Providers based on the guidelines issued these should be enough to get monitor compliance to terms and conditions.

Simplistic guidelines, such as below should be kept:

1. Permitting inbound calls terminated at a location to be carried to another location on VPN.
2. Not permitting any outbound calls at a location to be carried to another location on VPN and need to be generated from originating LSA through PSTN itself should be will enable self-regulation amongst Application Service Providers.

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?

OSP Extension may also be required for business continuity purposes and therefore should be provided across the country.

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.

Licensing through Authorisation brings in adequate amount of under-takings and network diagrams to cover all areas of security. As long as Licensing through Authorisation is done, self regulation thereafter should suffice the need of security. Regulations should be light-touch and since any telecom resources are taken from licensed Telecom Service Providers, security and CDR logging is already available. Therefore adding watch-dog terminals at TSP locations adds minimal value. However, in case desired to be doubly sure such regulations as may be necessary for security compliance may be required.

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.

Many Application Providers such as HCCSP provide IVR or self-service services through artificial intelligence / machine learning based applications to complete service calls from customers on IVR itself. At scale these organisations may take 100s or 1000s of voice channels but might not have a single person manning any contact center position. Therefore, a limitation of 50 seats prevents such an organization from registering as an OSP. *Licensing through Authorisation* provides a simplistic framework permitting all use cases and technology enablements.

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.

Response same as to Q13.

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. Distributed OSP network should be available within the national geography of India. Same justification as for Q11.

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.

Partitioning of PBX should be done to the extent of ensuring no PSTN – IP interconnect is done for outbound calls. Please refer justifications to Q13.

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.

Yes, adequate monitoring facility should be made available. However, the checks should be simplistic and well-defined preventing any subjective evaluation. An objective evaluation based on the documents provided under *Licensing through Authorisation* for Application Service Providers should be maintained.

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.

Regarding Licensing Condition: Please see response to Q16.

HCCSP provide IVR services and inbound call distribution (ACD) services to large enterprises. The following may flow of work at HCCSP be considered:

1. HCCSP usually operate from a central or a network of multiple hub locations.
2. HCCSP receive calls on inbound PSTN circuits, do basic or advanced call handling through IVR / self-service processes.
3. HCCSP escalated calls that need further agent handling to agent locations at multiple sites or remote agents across the country. This is further done through advanced processes such as skill-based routing / agent selection rules.
4. HCCSP provide MIS and reports for optimal working of customer service operations.

In step 3, calls are escalated to agent positions by making a second outbound call on PSTN circuits.

1. Inbound Calls escalated on NLD:
 - a. Have the same justification on business use-case of extending calls to extended / distributed OSP locations. Therefore there is no toll-by-pass.
 - b. Given the zero additional cost for NLD calls in today market scenario, any transfer of inbound calls to OSP locations does not by-pass NLD toll.
 - c. All inbound calls are terminated on a central number on a normal distribution basis through the country. An inbound caller may call the ASPs number from anywhere across the country or overseas. Therefore users would have already come through on NLD circuits and there is no selectivity of caller on the basis of the location of the Application Service Provider.
2. Inbound Calls escalated on ILD:
 - a. There may be scenarios of specialized positions being outside the country also. Therefore any incoming call escalated to an external position through a conferencing on a separate PSTN call made to international location should be permitted.
3. Outbound Calls made from Call Center Locations:
 - a. These should all be from Access Services provided by an operator in the LSA of the Call Center itself. No outbound call should be permitted to be send part call on IP and then conference on PSTN from a different location.
4. Inbound NLD calls escalated on VPN:
 - a. Today, as per OSP guidelines, only interconnectivity between OSP centers of the same OSP registered entity are permitted. In order to ensure this, a principal with an OSP registration may make a leave and license agreement with remote 3rd party OSP and therefore be in regulation. However, this does not serve much purpose and prevents adoption of technology.
 - b. Instead Application Service Providers should be permitted to transfer Inbound Calls on Point-to-Point or MPLS VPN circuits to remote call centers based on the business use case. The

business use-case of HCCSP is not basic telephony, but advanced call center and automation services which in principle do not infringe on TSP scope of services.

In summary:

Inbound Calls	Escalated to 3 rd Party Centers / WFH positions across country over PSTN	Should be permitted with same rules as WFH presently
	Escalated to 3 rd Party Centers / WFH positions across country over point-to-point / VPN circuits	Should be permitted with same rules as WFH presently
	Escalated to 3 rd Party Centers / WFH position internationally over PSTN	Should be permitted with same rules as WFH presently
	Escalated to 3 rd Party Centers / WFH position internationally over point-to-point / VPN circuits	Should not be permitted
Outbound Calls	Calls should be permitted through PSTN resources procured from same LSA only.	

Additionally, we humbly recommend to the authority to ensure minimal regulations in *Licensing through Authorisation*. Most CCSP/HCCSP today automate the work done by traditional OSPs using Artificial Intelligence & Machine Learning. To ensure national and global compliance, regulations therefore should be light touch and there should be a level playing field between OSPs and CCSP/HCCSP as far as regulatory compliances are required.

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

Same as response to Q15.

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.

Agree with existing process.

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.

Please refer to response of Q15.

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

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.

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.

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.

For Q24-28, refer response to Q21

Licensing through Authorisation for Application Services should be simplistic in nature with clear do's and don'ts for individual scenarios. Regulation should be simplistic in nature, enabling acceptance of new advancements, future proof and at the same time permit basic compliance. Rather than providing approvals for individual scenarios, a clear list of guidelines for Application Services will hold great value to the ecosystem at large. These guidelines should be based on:

- a. Clear disambiguation between basic services and Application Services (services delivered over basic licenses).
- b. Current market scenarios in terms of pricing.
- c. Creating a thriving eco-system for innovation and agility through low-touch regulations.

A clear undertaking while applying for the use case of the license and penalties for non-compliance should be specified.

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

No comments.

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.

Yes, ASP to ASP interconnectivity between entities providing similar services should be provided. The scenario for decision should not be of Domestic or International OSP. Scenario taken should be in line with the kind of call connectivity being done. Please refer response to Q21 above for scenarios that may be permitted or denied.

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

Please refer response to Q28.

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.

It is requested that conditions be simplistic, low-touch and agile enough to adopt to future advancements in technology. It is therefore requested that clear guidelines in keeping with guidelines issued for OSP under National Digital Communication Policy should be adopted.

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

TCCCP, 2018 already have all regulations and guidelines for compliance in place whenever any resource from TSP is taken. Therefore no additional provisions are required in OSP guidelines.

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

1. AI & ML are to the Indian call center industry today, what the Indian BPO and Call Center industry was to the world in the first decade of this century. A simpler, cheaper and faster way to manage customer interactions. The use-cases of HCCSP are not infringing on any TSP scope of services, but easy access to Contact Center services and provisioning of customer self-service.
2. Such technologies are provided by HCCSP, that are typically distributed computing or Cloud based providers. The word Cloud does not necessarily mean an obfuscated or IP based network. It is essentially a central system or a distributed network of hubs that can handle multiple clients thus giving flexibility of operations, economies of scale and accessibility to advancement in technology. Therefore HCCSP should be treated as Application Service Providers and they should be governed through terms of *Licensing through Authorisation* as already advised by the Authority.
3. Any new regulations in changes should be simplistic in nature and in line with National Digital Communications Policy, 2018, 2.1.(c).iv *Simplifying and facilitating Compliance Obligations by improving the Terms and Conditions for 'Other Service Providers', including definitions, compliance requirements and restrictions on interconnectivity*. This should in a nutshell include:
 - a. Recognition of HCCSP through simplistic means such as Licensing through Authorisation.
 - b. Be light-touch and with level regulatory requirements between OSPs and CCSP/HCCSP.
 - c. No restrictions on inter-connectivity of OSP centers of different companies for inbound calls.
 - d. No restrictions on inbound calls received at a central location on PSTN/PLMN to be conferenced with remote locations through PSTN / PLMN (India or overseas) or IP-based links (within India).
 - e. Permitting Outbound Calls only to be originated from within LSA of Application Service Provider only. (No IP-PSTN/PLMN inter-connectivity of calls carried through IP → PSTN / PLMN connectivity outside of LSA for Outbound Calls).

Yours truly,

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