



Vodafone's counter comments to TRAI Consultation on 'Review of Voice Mail / Audiotex/ Unified Messaging Services Licence

1. We strongly disagree with the views of certain stakeholders that audio conferencing services are an integral part of Audiotex licence and should not be subsumed under UL with applicable license fees. We reiterate that the scope of Audiotex services was wrongly expanded by the DoT in 2004 to cover Audio Conferencing Services (real time voice communications, instead of automated/IVR/stored voice service communications), which was provided for in TEC GR on Audiotex services as an optional service. This has not only resulted in certain instances of regulatory arbitrage and loss of revenues to the exchequer but has also led to a non-level playing field between Access service providers and entities offering Audio Conferencing Services under standalone Voice Mail/Audiotex licenses w.r.t applicability of license fees for the provision of the same services, which is not applicable on the latter. This needs to be corrected and principle of same service same rules should apply for the provision of any substitutable services.
2. We also disagree with the suggestions to 'amend' the scope of activities of Audiotex licence (while retaining it as a separate authorization/registration as in its present form) to allow for :
 - a. Dial out facility
 - b. Termination of IP and PSTN calls on same conference bridge
 - c. Web conferencing/Web collaboration on the same bridge with PSTN & IP partitioning
 - d. Interconnectivity between PRI, Internet and MPLS on same system
 - e. Video conferencing service /Internet streaming services
 - f. Missed call + Call back/Call re-origination services
 - g. Reselling of numbers

It is submitted that the above services infringe on the activities of licensed access telecom service providers and consequently are being presently misused by some of the existing standalone Audiotex licensees resulting in revenue loss of the licensed telecom service providers as well as loss to the exchequer.

Detailed justification for rejection of each of the above proposals put forth by standalone Audiotex licensees are as follows:

- a. Allowing dial out facility to a single Audiotex licensee who uses telecom resources from 2 different licensed access service providers, could potentially allow the Audiotex licensee to misuse the dial out facility for bridging/patching of calls bypassing NLDO/ILDO which will be unknown to each of the two licensed access service providers, thereby resulting in loss of revenue to all TSPs.
- b. Termination of IP and PSTN calls on same conference bridge/ Interconnectivity between PRI, Internet and MPLS on same system could also potentially allow the Audiotex licensee



to indulge in grey ISD traffic / STD & ISD (toll) bypass, number masking activities, which will be unknown to the licensed telecom service providers. Moreover, as per present licensing conditions, traffic on private (IP/MPLS) and public (PSTN) networks cannot be co-mingled.

- c. Video conferencing and web conferencing are licensed value added services permitted to Access service providers. Allowing Audiotex licensees to offer such services on the basis of existing Audiotex licenses again raises issues of non-applicability of same service same rules for the provision of such services.
 - d. Missed call + Call back/Call re-origination services are offered by the Audiotex licensees on commercial basis to enterprises to initiate "Call to Action" for which the Telecom resources of the Access service provider are utilized. However, while there is work done by the Access service provider's network in terms of carrying the call, no revenue gets realized by the carrying operator because of the use of missed call facility for such activity, thus translating to revenue loss for the Access service provider as well as exchequer.
 - e. Reselling of numbers is not permitted to Audiotex licensees, as these are allotted by DoT to licensed access service providers for provision of services to their customers.
3. We reiterate that there should be no standalone provision of audio conferencing services as it can lead to malicious calls, misuse, regulatory arbitrage, non-level playing field, reselling of licensed telecom services, security concerns as also loss to exchequer. Hence, entities interested in offering such services on standalone basis, can obtain a UL with access service authorization so as to be compliant to license terms and to ensure level playing field with other UL (access) service providers offering same services without infringing on the licenses of other TSPs. The concerns raised in Point 2 above can be addressed if such services are provided by UL (access) service providers.
4. We disagree with the below mentioned AGR formula suggested by some stakeholders, i.e. $AGR \text{ for Voice Mail/Audiotex/Unified Messaging Services operators} = \text{Total Revenue from applicable telecom services} - \text{Access fees paid to Indian Access providers for access services in India} - \text{Interconnect fees paid to foreign operators for International Toll Free service}$.

It is submitted that Access fees are not allowed as deductions to licensed TSPs ; hence, such dispensation cannot be allowed to Audiotex/Voice Mail/UMS entities.

5. We disagree with the comments made by some stakeholders that audio conferencing services are in the nature of pure content services which do not warrant regulations/licensing. We reiterate that internationally, provision of such services is a licensed/regulated telecom activity as they facilitate provision of real time voice based services.
6. While most stakeholders have requested for expansion in definition of 'service area' for the provision of Audiotex, Voicemail and UMS services to a Pan India or circle-wise service area,



we reiterate that compliance to National Routing plan must be ensured by entities providing such services, to avoid any toll bypass and consequent loss to exchequer.

7. Lastly, we reiterate that same service same rules must apply and accordingly all standalone entities providing Audiotex, voicemail and UMS services must pay 8% license fee, as presently applicable on access service providers providing same services, to remove any arbitrage.

New Delhi
8 August 2016