

VIL/LT/19-20/132
20th May 2019

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Subject : Vodafone Idea's Response to TRAI Consultation Paper on Review of Terms and Conditions for Registration of Other Service Providers (OSPs)
Reference : TRAI Consultation Paper dated 29th March 2019

Dear Sir,

This is in reference to the consultation paper on Review of Terms and Conditions for Registration of Other Service Providers (OSPs) issued on 29th March 2019.

Please find enclosed our comments on the questions raised in the captioned consultation on 'Review of Terms and Conditions for Registration of Other Service Providers (OSPs)' as Annexure A.

We request you kind consideration and support on our submissions.

Thanking You

Yours Sincerely,
For **Vodafone Idea Limited**


P Balaji
Chief Regulatory & Corporate Affairs Officer

Vodafone Idea's Response to TRAI Consultation Paper dated March 29, 2019 on Review of Terms and Conditions for registration of Other Service Providers (OSPs)

PRELIMINARY SUBMISSIONS:

1. The OSP guidelines/terms & conditions should not be unduly burdensome and should be made fit for purpose. The principles and objectives for requiring a registration must be kept in mind, whilst reviewing the OSP guidelines. However, at the same time, the guidelines/T&Cs for OSPs should ensure that there is no infringement in terms of toll bypass or switched telephony which are non-permissible activities.
2. OSP registration should be limited to outsourced/client based activities which inter-alia, involve voice calls/connectivity to public network using telecom resources obtained from authorised telecom providers. Any outsourced/client based activities which do not involve connectivity to public network ie. PSTN/PLMN/ISDN/internet/internet telephony networks, should not require OSP registration, as the scope of infringement of telecom license terms is primarily w.r.t connectivity between public and private networks and associated traffic routing.
3. Activities that ease the operations of TSPs and OSPs alike should be facilitated (such as non-requirement of OSP registration for entities who operate call centres for their own customers, validation of OSP network diagram by TSPs, intimation or notification requirements instead of pre-approval for change in bandwidth etc).

Issue-wise Response:

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.

A1. OSP registration should be limited to outsourced/client based activities which inter-alia, involve voice calls/connectivity to public network using telecom resources obtained from authorised telecom providers. Any outsourced/client based activities which do not involve connectivity to public network ie. PSTN/PLMN/ISDN/internet/internet telephony networks, should not require OSP registration, as the scope of infringement of telecom license terms is primarily w.r.t connectivity between public and private networks and associated traffic routing. Outsourced/client based activity should be clearly defined in the OSP guidelines defined. Any entity that itself undertakes an activity for its own customers within the country should be excluded from OSP registration requirement, which will be treated as a bulk telecom subscriber.

We submit our responses to all other questions enumerated below, on the basis of submissions made above viz. that OSP registration should only be applicable for outsourced/client based activities.

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.

A2. Yes, the registration of OSPs should be continued so that DoT/TERM Cells can ensure that there is no toll bypass or switched telephony activity being undertaken by OSPs which are non-permissible activities under their scope of registration.

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

A3. Presently applicable validity of 20 years and renewal for 10 years can be continued.

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.

A5. Yes the documents listed by the Authority in the consultation paper are adequate to meet the information requirements for OSP registration and should be continued. Network diagram should be self-attested by OSPs.

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

A6. Yes, the above mentioned fee amount can be continued. In case of multiple OSP centres of the same OSP company/entity, the registration fee can be taken once and not for each OSP center, in the online OSP registration portal.

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

A6. Yes, the existing procedure of OSP registration for single/multiple OSP centres should be continued to ensure adequate checks on the operations of OSPs from any infringement upon the licenses/scope of work of licensed telecom operators. The registration process should be simplified in respect of multiple OSP centres in the online OSP registration portal and notifications/intimations in case of change of location, bandwidth etc.

Q7: 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.

A7. Yes, the existing provisions for determination of dormant OSPs and cancellation thereof, can be continued.

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.

A8. In respect of the requirement of validation of OSPs' network diagram by TSP, the network diagram should be self-attested by OSP (based on clear do's and don'ts guidelines provided by DoT) and approved by TERM Cells as it is the responsibility of the Licensor issuing the registration to OSP to ensure that no OSP's activities infringe upon licenses/scope of work of licensed telecom operators.

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.

A9. Yes, we agree with the provisions of internet connectivity to OSP mentioned in the OSP guidelines as traceability of OSP operations/traffic is a critical element for meeting security, monitoring and lawful compliance requirements.

With regards the requirement of OSPs to have internet connectivity at a centralized location as against local internet breakout at each location and then further distribution of such internet connectivity to its other locations, we believe that the same may be allowed to OSPs as a special dispensation as they have been allowed to carry incoming voice traffic from one location to other. This will help the OSPs in better control with policies/ internet usage and the bandwidth can be redistributed over Leased Line.

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.

A10. Yes, we agree with the provisions related to Hot Sites for disaster management mentioned in the OSP guidelines. DoT may additionally review the disaster management SOP/policy for OSPs.

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.

A11. Yes, we agree with the provisions of logical separation of PSTN and PLMN network resources with that of leased line/VPN resources for domestic OSP as mentioned in the OSP guidelines. In present technological advancement wherein voice traffic is also carried on IP and the physical hardware is replaced with servers & software, the compliance to these guidelines should be the responsibility of the OSP. The TSP after provisioning telecom resources may not be in a position to check the compliance with this provision.

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.

A12. Yes, we agree with the provisions of logical separation of PSTN and PLMN (public) network resources with that of leased line/VPN (private network) resources for international OSP as mentioned in the OSP guidelines.

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.

A13. In present technological advancement, the entire hardware has been replaced by Servers/ software which is deployed in the data centres. The access to such resources is always available to the OSP remotely at their OSP location. All routing configurations and logical partitioning are being managed using software and associated commands. Therefore, the compliance with the terms of conditions of OSPs has to be ascertained by inspecting the routing table, logical partitioning, command logs etc. The physical inspection at the data centre site may of little help and accordingly inspection procedure may be modified to have inspection at OSP site with full access to all the servers/ nodes at the OSP location itself, while the inspection is being carried out by the LSA units.

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?

A14. Optimal and efficient utilization of Network resources should be the key parameter to decide the choice and quantum of resources. The same should need/requirement driven by the user, instead of being thrust upon them through regulations. The extended OSP of existing registered OSP should be allowed without any additional telecom resources. This should be within the same telecom circle.

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.

A15. Periodic inspections by TERM Cells at existing OSP centre and new OSP centre (ie. extended OSP centre) can be undertaken, for which clear guidelines should be issued by DoT (in consultation with relevant stakeholders) for undertaking such inspections.

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.

A16. Yes, we agree with the provisions of general conditions for sharing of infrastructure between International OSP and Domestic OSP as mentioned in the OSP guidelines. Additionally, cloud based OSP infrastructure deployment within India should be allowed.

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.

A17. The provisions of the technical conditions listed under Option 1 & 2 for sharing of infrastructure between International OSP and Domestic OSP as mentioned in the OSP guidelines may be reviewed in view of the reasons mentioned in DoT's reference. However, it may be noted that in both the options, the requirement is that there is no bypass of network of authorized TSP. There should be no dilution of this requirement whilst reviewing the technical conditions. The OSP should be required provide complete data including CDRs to the authorities as and when required.

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.

A18. Geographical limit should be within India as OSPs are required to obtain telecom resources from authorized TSPs of India.

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.

A19. The provisions on logical partitioning mentioned in the OSP guidelines for the distributed architecture of EPABX may be reviewed if it facilitates providing better and newer services most efficiently and cost effectively to the users; however suitable safeguards should be maintained to ensure that there is no toll bypass or switched telephony related infringements.

Q20. 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.

A20. In case of distributed architecture of EPABX, centralized server configuration monitoring from OSP centres can be undertaken through a console that would provide all the required information for a successful inspection or audit. Hence, physical inspection at the server locations may not be required instead, inspection at OSP centres should provide all the required information such as CDRs and other relevant information required for the inspection.

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.

A21. As the OSP is availing the services of CCSP/HCCSP, the responsibility should lie with the OSP w.r.t compliance to terms and conditions of OSP registration.

As per the scope of services as defined under the respective licenses of Access/ ISP/ NLD/ ILD service, provision of CCSP/ HCCSP solutions to OSP should be permitted to all the above-mentioned telecom

Licenses. Further, it is submitted that while providing CCSP/ HCCSP services all terms and conditions as stipulated in OSP guidelines needs to be followed.

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

A22. The interconnection of data and voice path for domestic operations should not be allowed as it may result in bypass of network of authorised TSP. Voice and data networks and related traffic should be kept separate through logical partitioning in the equipment and network.

The Licensor should issue clear guidelines (in consultation with relevant stakeholders) for ensuring logical partitioning between PSTN/PLMN and leased lines (leased circuits/internet leased lines) terminating on the same equipment, to ensure that there is no call flow between them.

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.

A24. Yes, we agree with the provisions for use of CUG for internal communications as OSP as mentioned in the OSP guidelines.

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.

A24. Yes, we agree with the monitoring provisions for use of CUG for internal communications of OSP as mentioned in the OSP guidelines.

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

A25. Yes, we agree with the provisions of 'Work from home' as mentioned in the OSP guidelines.

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.

A26. Since there are security implications, the domestic operations by International OSPs for serving their customers in India may not be allowed.

International and Domestic OSPs are separate and distinct categories under the OSP guidelines /framework – if an international OSP wishes to undertake domestic operations, then it should necessarily take the domestic OSP registration from the TERM Cell.

Further, use of international CLI by International ISP for calls originating from India will be non-compliant to National Numbering Plan.

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.

A27. The use of EPABX at foreign location in case of International OSP should not be allowed as there will be no means to undertake periodic inspection of the EPABX at the foreign end.

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.

A28. Yes, we agree with the security conditions mentioned in Chapter V of the OSP guidelines.

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

A29. Any penalty imposition needs to be specific and graded to a specific amount and also after giving due opportunity to explain. The objective should be not to penalise depending upon the gravity of the matter.

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.

A30. OSP-to-OSP interconnectivity (not belonging to same company/LLP/group of companies) providing similar services may be allowed subject to suitable safeguards that ensure no bypass of network of authorised TSP which, if done, can be clearly attributed to the relevant OSP.

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

A31. Clear attributable activities/responsibilities between the interconnecting OSPs will be required.

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.

A32. Yes, the present miscellaneous provisions are appropriate and should be continued.

Q33. 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.

A33. An amendment should be made to the terms and conditions of OSP registration w.r.t compliance to TCCCPR, 2018, which will inter-alia include telemarketer registration with TSP, registration of Senders, headers, subscriber consent, content of communication, control over subscriber's preferences and submission of relevant undertakings to TSPs w.r.t declaration of use of auto-dialers in making commercial communication with appropriate controls to maintain silent or abandoned calls within prescribed limits viz:

a. Ratio of Abandon Calls to total attempted calls for a registered entity exceeding 3% over a period of 24 Hours by an entity using Auto Dialer for Commercial Communications calls;

b. Ratio of Silent Calls to total attempted calls (i.e. matured calls) for a registered entity exceeding 1% over a period of 24 hour by an entity using Auto Dialer for Commercial Communications Calls.

Consequences of failure to comply with the above regulation will be as stipulated by the Regulation.

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

A34. The list of dormant OSPs and terminated OSP registrations may be published by DoT online for the benefit of TSPs to enable them to ensure non-provision of telecom resources to terminated OSP entities.

OSP's terms and conditions of registration should also restrict OSPs from use of foreign VOIP minutes (which was issued in the form of TERM Cell Delhi's instructions on 26.11.2013).

20th May 2019

New Delhi