

[Aircel Response to TRAI Consultation Paper on Review of Voice Mail / Audiotex / Unified Messaging Services Licence](#)

Preamble:

Aircel is pleased to respond to the TRAI Consultation paper for reviewing the licence for Voice Mail (VM)/ Audiotex (AT) / Unified Messaging service (UMS).

The telecom sector in India is characterized by constant and fast moving changes and the time is right to reflect upon how the framework for VM/AT/UMS, be adapted for future growth of telecommunication services. Further, it is essential to ensure the framework remains agile and aligned to principle based approach of '*Same service same rules*' and '*Level playing field*'.

Also, we would like to bring attention towards objectives of The National Telecom Policy 2012, which aims towards 'Simplifying the licensing framework' as well as 'Striving to create One Nation - one License across services and service area'. In working towards this objective, DoT has already come out with Unified Licence based on TRAI recommendations, covering many services like Access services, carrier services, internet services etc. Thus, it would be imperative that the left over services like VM/AT/UMS are also brought under the umbrella Unified Licence.

It is our considered view that in light of present technological & security challenges and economic arbitrage opportunities leading to non-level playing field, the VM/AT/UMS should be brought at par with the other licences and in addition to existing conditions, following requirements should also be made mandatory while providing such services,:

1. Network security
2. Communication security and Communication assistance to Designated LEAs.
3. Uniform License fee @ 8 % of AGR
4. Penalty provisions in case of breach of licensing conditions.

Further, we urge that the licensing should be based on market realities, technological evolutions, related conditions in other licenses offering similar services and not conversely on TEC specifications.

Summary Submissions:

1. The standalone VM/AT/UMS licence should be scrapped and should be brought under the Unified Licence, alongwith a mandatory and time bound migration path for existing licensees.
2. Such licence should be on a LSA-wise basis.
3. License Fee of 8% of AGR should be levied.
4. Penalty provisions should be laid in case of violation of licensing conditions.
5. In addition to existing conditions for these services, Network security, communication security, communication assistance to LEAs to be made mandatory for these services (including for existing & new licensees), as is for the Access Authorization under Unified Licence.

Question-wise Response

Q1: In view of the discussion in Para 2.13, is it necessary to have a separate standalone licence for Voice Mail Service? If so, why? Please provide detailed justification?

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Q2. If the answer to the Q1 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?

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Q3. In view of Para 2.17 and present technological developments, is it necessary to have a separate standalone licence for only Audiotex Service? If so, why? Please provide detailed justification?

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Q4. If the answer to the Q3 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?

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Q5. Whether there is a need for standalone licence for providing Audio Conferencing Service? If yes, whether the technical specifications need to be explicitly defined? Please provide detailed justification?

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Q6. If the answer to the Q5 is in the affirmative, what should be the technical specifications for providing Audio Conferencing Service?

Aircel Comments:

It is our considered view that Indian telecom sector does not need a standalone licence for Voicemail or Audiotex or Audio Conferencing services, in present times. The creation of such standalone licenses create opportunities of arbitrage and thus prone to misuse.

It is pertinent to highlight that such standalone licence are prone to misuse and there have been instances of some entities doing so, whereby various violations were observed like:

- Services were provided to bypass the STD/ISD traffic
- Restriction on point to point call conferencing was breached.
- Licence is on a SDCA wise basis but, services were provided outside SDCA as well.
- Dial out restriction being violated

Considering this, we submit that these services are already allowed under Unified Licence (Access Authorization) and with Spectrum already delinked, these services should only be allowed to be given through the Unified Licence (Access Authorization), with the existing restrictions and scope being carried over to the new licensing norms.

Single licence will help reduce complications, subjective interpretations and also provide Regulatory certainty, uniformity and level-playing field to the various telecom licensees and similar types of services being provided therein.

Q7. Is it necessary to have a separate licence for Unified Messaging Service when holding an ISP licence is mandatory to provide the Unified Messaging Service and standalone ISP licensee is also allowed to provide Unified Messaging Service? If so, why? Please provide detailed justification?

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Q8. If the answer to the Q7 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?

Aircel Comments:

There is no need to have standalone UMS licence as it can be provided under ISP licence and to strive towards 'One Nation one licence', such standalone licence should be abolished and existing licensees be mandated to migrate to new licensing framework.

Q9. In case Voice Mail/Audiotex/Unified Messaging Service requires a licence should they be made a part of the Unified Licence as one of the services requiring authorisation? Please provide detailed justification?

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Q10. If the answer to the Q9 is in the affirmative, what should be Service Area? Whether Service Area may be similar to the Service Area of ISP (National Area, Telecom Circle/Metro Area, Secondary Switching Area) to bring in uniformity among the Service Areas of different services? Please provide detailed justification?

Aircel Comments:

Considering response to Q1 to Q6 above, this standalone licence should be abolished and be made part of Unified Licence (Access Authorisation). The service area for the licence (even if TRAI opts to recommend continuation of standalone licence), should be LSA wise only.

Q11. If Voice Mail/Audiotex/Unified Messaging Services is made a part of the Unified Licence as one of the services requiring authorisation, then what should be the Entry Fee?

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Q12. Whether there should be any requirement for Minimum Net worth and Minimum Equity for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

Aircel Comments:

The existing structure related to Entry Fee, Minimum Net worth & Minimum Equity in the Unified Licence (Access Authorization) should continue.

Q13. The annual licence fee for all the services under UL as well as for existing UASL/CMTS/Basic Service/NLD/ILD/ISP licensees have been uniformly fixed at 8% of AGR since 1st April 2013. Whether it should be made same for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence? If not, why?

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Q14. In case the answer to the Q13 is in the affirmative then what should be the definition of AGR for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

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Q15. What should be Performance Bank Guarantee, Financial Bank Guarantee and Application Processing Fee for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

Aircel Comments:

As a principle, similar services should invite similar set of rules and 'Regulated non level playing field' should not be encouraged.

As existing Unified Licence(Access Authorization) have to pay 8% AGR in case they provide Voice Mail / Audiotex / UMS services, similarly, in case TRAI wishes to recommend separate authorisation under Unified Licence for these services, license fee payment @ 8% AGR should be made mandatory.

There is no case of justification for any separate definition of AGR to be used for any category of telecommunication services. The definition to be applied under Unified Licence should be uniform across various categories of services including Voice Mail/Audiotex/UMS, to avoid any misuse of arbitrage or creation of non-level playing field.

Q16. Whether the duration of the licence with Voice Mail/Audiotex/Unified Messaging Services authorisation be made 20 years as in the other licence authorisations under Unified Licence? If not, why?

Aircel Comments:

Yes, the duration of licence should be made at par with other licence authorisations i.e. 20 years.

Q17. What should be the terms and conditions for the migration of the existing Voice Mail/Audiotex/Unified Messaging Services licensees to Unified Licence?

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Q18. Whether the existing Voice Mail/Audiotex/Unified Messaging Services licensees may be allowed to continue or it would be mandatory to migrate to the Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

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Q19. What should be the annual licence fee for existing Voice Mail/Audiotex/Unified Messaging Services licensees who do not migrate to the Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

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Q20. Please give your comments on any related matter, not covered above.

Aircel Comments:

We urge for a time bound mandatory migration to the new licensing framework, with a reasonable window (let's say 3 months) being allowed to migrate.

However, if Authority wishes not to recommend mandatory migration, to ensure level playing field, similar licence fee of 8% AGR and other related conditions (as explained in response above) should be made applicable on existing standalone licensees as well.

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