



Vodafone Response to TRAI Consultation on Review of Voice Mail/Audiotex/Unified Messaging Services Licence

A. EXECUTIVE SUMMARY

1. With the introduction of Unified licensing (UL) by the DoT since 2014, most of the value added services have been subsumed under UL as separate authorizations such as PMRTS, GMPCS, Internet etc. Hence, separate authorization under UL regime for Voice Mail / Audiotex/ Unified Messaging Services (UMS) may also be created, so that entities interested in offering such services on standalone basis, can obtain a UL with the relevant/respective authorization.
2. It is however submitted that Audio Conferencing Services, which are in the nature of real time voice communications, and not automated/IVR/stored voice service communications, should not be permitted under an Audiotex license but be offered only under a UL (Access Services) authorization. Further, any real time call routing has to be as per national routing plan issued by the Licensor w.r.t audio conferencing with prohibition on bridging or patching of calls. The scope of Voice Mail / Audiotex/Unified Messaging Services should be restricted to cover only stored (non-real time) voice services.
3. It may be further noted that as an ISP license is mandatory for offering UMS services, these services may be offered under an ISP license/UL with ISP authorization only.
4. Migration path for existing Voice Mail / Audiotex /Unified Messaging Service licensees to UL regime can be provided by DoT (Note: From DoT's website, it can be seen that as of 30.06.2016, there are only 3 UMS licensees, and 28 companies holding Voicemail/Audiotex service licenses in different service areas, pan India).
5. Existing UASL, UL (Access Services) and Unified Licensees (with Access Service authorizations) are already permitted under their license to offer such services, as these services are in the nature of value added services over bearer services offered by such licensees. Such licensees are already intimating the Licensor for provision of above-mentioned value added services prior to launch.
6. 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.



7. The reference to TEC GR in respect of Audio conferencing may be incorporated into the UL (Access Services) and specifically excluded from the conditions of Voice Mail / Audiotex / Unified Messaging Services, which should remain confined to stored voice services. It may be noted that it is the license and not the TEC GR that determines the scope of service.

B. ISSUE-WISE RESPONSES:

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?

A1. As rightly pointed out by the Authority, Voice Mail service is a pre CLI/SMS/Smartphone era service. However, if any entity wants to provide Voice Mail service on standalone basis, then it should be able to obtain separate authorization for Voice Mail service under UL.

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?

A2. The existing technical specifications should be reviewed to determine whether they need to be updated in view of any technological developments, and any updation, if required should first be subjected to regulatory oversight by DoT and the Authority and based on an industry consultation, prior to publishing of such GRs, to ensure that the technical specifications do not infringe on the scope of services of other licensed telecom providers. It is important to retain the distinction between real time voice communication and non-real time voice communication (Voice Mail Service).

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?

A3. If any entity wants to provide Audiotex [stored voice] service on standalone basis, then it should be able to obtain separate authorization for Audiotex service under UL.

There are many players in the market who only wish to provide Audio Conferencing Services; it should be mandated that such services can only be provided under UL with an Access Services authorization.

Any dispensation to Government and Private service agencies w.r.t offering such services for 'public utility' will create an arbitrage as these services are offered on commercial terms basis contracts/tenders issued by Government with private agencies. Hence, such dispensation should be removed.



Further, any real time /non-real time call routing has to be as per national routing plan issued by the Licensor with prohibition on bridging or patching of calls.

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?

A4. Please refer our response to Q2 above.

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?

A5. As submitted above, audio conferencing should be allowed only under an access service authorization under UL.

The technical specifications for the same should be explicitly defined through a consultative process as submitted in our response to Q2 above.

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

A6. The prohibitions w.r.t point to point conferencing, calling card facility, dial out facility and bridging or patching of calls need to be retained/ensured for the provision of audio conferencing services, as these are relevant even today to ensure that there is no infringement in the scope of services offered by Access service providers and that there is no illegal bypass of STD/ISD traffic.

Point to point conferencing may be suitably clarified in the license conditions so that there is no wrongful bridging/patching of calls.

Call routing as per National routing plan must be ensured.

There should be no standalone provision of audio conferencing services as it can lead to malicious calls, misuse, regulatory arbitrage, non level playing field, security concerns as also loss to exchequer. There are many entities utilizing telecom resources (landline/mobile connections) taken from licensed telecom operators for offering such audio conferencing services over which the licensed telecom operators have no control and which pose a security risk as the correlation of the two separate calls being connected may not be stored by such entities for meeting the security agencies' requirements.

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?

A7. Presently, there are only 3 licensed UMS service providers in India, which demonstrates that the service is not popular in present age. Regulatory licensing administrative activity can be reduced by incorporating the UMS conditions in ISP licenses of these existing UMS service providers thereby abolishing a separate category for UMS. UMS may thus be offered only under UL with an access or ISP authorization.

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?

A8. Please refer our response to Q2 above.

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?

A9. There may be a separate authorization under UL for Voice Mail and Audiotex. UMS may be offered only under UL with an access or ISP authorization or under ISP license.

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?

A10. Since SDCA is still relevant and applicable in India, the service area may continue to be SDCA wise for Voice mail and Audiotex services to avoid any STD bypass, as these services are offered largely using fixed line connections of licensed access service providers. In the case of UMS, the service area will be based on the ISP license/authorization.

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?

A11. In case of Voice mail and Audiotex services, the entry fee may be based on classification of SDCA into Urban, Semi-urban and Rural as defined by DoT. In the case of UMS, the entry fee will be based on the ISP license.

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?



A11. There should be some requirement for minimum net worth and equity for such authorizations to ensure that entities providing such services are not fly-by-night players.

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?

A13. The License fees (incl USO obligation) must be equally applicable across all UL licenses /authorizations. We are on record submitting that the license fee currently prescribed at 8% of AGR may be uniformly prescribed at 6% of AGR. The Authority may reiterate its recommendations on Definition of Revenue based AGR for reckoning of License Fee and Spectrum Usage Charge of 6th January, 2015 so that the same is made applicable to all. Those entities who do not wish to migrate from their existing Voice mail/Audiotex licenses to Unified License authorizations would stand to lose their licenses.

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?

A14. The definition of AGR should be the same across all UL licenses /authorizations i.e. revenues accruing from licensed activities/services, which in the present instance would be revenues earned from the provision of Voice Mail/ Audiotex/Unified Messaging Services only. In this regard too, the Authority may reiterate its recommendations on Definition of Revenue based AGR for reckoning of License Fee and Spectrum Usage Charge of 6th January, 2015 so that the same is made applicable to all licensees.

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?

A15. The Authority may suitably determine the applicable PBG, FBG and application processing fee, in parity with other licenses, after due consideration of the scope of services and regulatory parity with Access service providers. In case of migration, the existing/old PBGs provided by existing Voicemail/Audiotex/UMS licensees should be carried forward and duly adjusted to the new authorizations.

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?



A16. The duration of the authorization can be 20 years, as in the case of other license authorizations under UL.

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

A17. As mentioned in response to Q13 above, the migration of existing Voice Mail/Audiotex/Unified Messaging Services licensees should be mandatory and necessary conditions w.r.t license fee (incl USO), etc should be incorporated in the terms and conditions. As submitted above, Audio Conferencing Services should be permissible only under UL access services.

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?

A18. Please refer our responses to Q13 and Q17 above.

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?

A19. As submitted above, for regulatory parity, the License fees (incl USO obligation) must be equally applicable across all UL licenses /authorizations. We request that the license fee currently prescribed at 8% of AGR may be uniformly prescribed at 6% of AGR.

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

A20. Access service providers provide telecom resources to Voice Mail/Audiotex/Unified messaging service providers to enable them to offer their services. However, it is increasingly becoming difficult for the Access service providers to inspect/verify whether the telecom resources are being utilized by Voice Mail/Audiotex/Unified messaging service providers for legitimate/bonafide purposes as most of these providers are now offering these services utilizing advanced IT tools/applications. It is requested that the obligation to verify the bonafide use of telecom resources by such entities be directly undertaken by TERM Cells, who have the necessary expertise in this domain and TSPs not be penalized for any wrongful/unlicensed activities being undertaken by such entities using the telecom resources. All entities providing such services should provide complete details of services in terms of location of equipments/network elements, architecture/topology, routing details and end to end connectivity to Licensor before start of service.

**New Delhi
25 July 2016**