

TELECOM REGULATORY AUTHORITY OF INDIA

CHAPTER –IV
Consultation Paper on
Review of Terms and Conditions for registration of OSPs.
Issues for Consultation

4.1 This chapter presents an analysis of the present regulatory framework of Other Service Providers in the country and raises issues for consultation with the stakeholders.

(1) Definition of OSP:

4.2 The definition of Other Service Provider as given in the year 2008 guidelines of DoT, is as follows:

“Other Service Provider” (OSP) means a company providing Application Services wherein

“Applications Services” means providing services like tele-banking, telemedicine, tele-education, tele-trading, e-commerce, call centre, network operation center and other IT Enabled Services by using Telecom Resources provided by authorized telecom service providers.

4.3 Today, when the technology is advancing at such a rapid pace, the scope of the terms such as ‘other IT enabled services’ has widened. The above definition of OSP includes a very broad and subjective view of application services, prone to different interpretations in the current scenario.

4.4 From above, it is seen that the scope of ‘Application Services’ defined under OSP category is quite broad. Further, there is no differentiation provided therein to distinguish whether the services are for captive use or for a customer/ other company. This makes the scope of OSP very wide covering almost all the IT based services falling under the definitions of OSP.

4.5 It may be noted that the purpose of registration of OSP considered by DoT has been:

- (a) statistical information,
- (b) ensuring that their activities do not infringe upon the jurisdiction of other access providers and
- (c) providing special dispensation to boost the BPO sector.

4.6 By the special dispensation provided under OSP registration, OSPs are permitted to transport the incoming PSTN calls from one location to the other to enable them to provide IT enabled services in an effective and efficient manner.

4.7 To meet the purpose of statistical information there should not be any restriction on the way the telecom resources should be used. However, to ensure that the activities of OSPs do not infringe upon the jurisdiction of the licensed Telecom Service Providers which is quite possible because of advancement of technology, certain restrictions could be required. Also, while any infringement should not be allowed, the terms and conditions should not be restricting on taking advantage of advancement of technologies in terms of reduction in cost/ advancement of features in the services provided by the OSPs.

4.8 Therefore, in view of the purpose of registration specified by DoT, the view of stakeholders are sought on:

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.

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.

(2) Validity period of registration of OSPs

4.9 As outlined in Chapter-II, the validity of registration of OSPs is 20 years from the date of issue, unless otherwise mentioned in the registration letter. Further, the validity of the registration may be extended by 10 years at one time, upon request of the OSP, if made during the 19th year of the registration period on the terms mutually agreed.

4.10 The views of the stakeholders are sought on:

Q3. What should be the period of validity of OSP registration? Further, what should be validity period for the renewal of OSP registration? (3) Documents required for OSP Registration

4.11 At present following documents are required for registration of OSP.

(A)Mandatory Documents

- (1)Certificate of Incorporation issued by Registrar of Companies
- (2)Memorandum & Article of Association
- (3) Resolution of The Board of Directors or duly notorised Power of Attorney authorizing the authorised signatory with attested signatures.
- (4)A note on the nature of business / activities of the proposed OSP

(B)Documents required to be submitted, if actual information is different from mandatory documents

(5) List of present Directors of the Company with name and address/ List of present Designated partners and all the partners of the LLP (6) Present shareholding pattern of the company indicating equity details (Indian Equity and Foreign Equity)/ present shareholding pattern of the LLP indicating equity/ contribution details of all the partners (Indian equity and Foreign equity)

(C) Documents required for sharing of infrastructure/ Work from Home

(7) Vendor Certificate for logical partitioning in the EPABX being shared in case of Sharing the EPABX of International Call Centre (ICC) Domestic OSP Centres and /or PSTN Lines with logical partitioning.

(8) Undertaking that the Bank Guarantee of Rs. 50 Lakhs in the prescribed format would be submitted at the time of signing the agreement (In case of option of separate & independent EPABX to be used for International & domestic OSP Centers with sharing of same operator position.)

(9) Undertaking that the Bank Guarantee of Rs. One Crore in the prescribed format would be submitted at the time of signing the agreement. (In case of option of Sharing the EPABX of International Call Centre (ICC) Domestic OSP Centres and /or PSTN Lines with logical partitioning.)

(10) Undertaking that the Bank Guarantee of Rs. One Crore in the prescribed format would be submitted at the time of signing the agreement. (In case of option of Work from Home).

(D) Proof of Processing Fees (of Rs. 1000/- for each OSP Centre) paid through digital payments like e-transfers/NEFT/RTGS/ Debit Card/Credit Card as per process given in the user guide.

(E) Network diagram – the OSP must clearly mention in the diagram whether it is using Sharing of Infrastructure or Centralised EPABX architecture or the CUG facility. Any change in the network is also required to be intimated immediately by the OSP without any delay). All the documents must be certified with seal by either Company Secretary or one of the Directors of the Company or Statutory Auditors or Public Notary in case of Company. All the documents must be certified with seal by either designated partners or all the partners or statutory auditors or public notary in case of LLP. The LLP firm shall intimate to the Department within 30 days, if there is any change in the designated partners, authorized signatory, and/or Agreement of LLP.

4.12 From the above list, the documents under heading (B) and (C) are to be submitted only in specific cases mentioned therein. The documents under heading (A), the proof of payment (D) and network diagram as detailed under heading (E) are mandatory in all the cases. Further, the documents submitted are to be certified by either Company

Secretary or one of the Directors of the Company or Statutory Auditors or Public Notary in case of Company and by either designated partners or all the partners or statutory auditors or public notary in case of LLP.

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.

(4) Registration Fees

4.13 The application registration fee prescribed at the rate of Rs. 1000/- per OSP centre has been nominal. One OSP centre appears to be one site of OSP at one location in a particular city. An OSP is free to have more than one site in any city / LSA.

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

(5) Registration of OSP for multiple locations:

4.14 The registration is location specific i.e. an OSP centre is registered for a specific location. Further, if a company / LLP has more than one OSP centers, then each OSP center is required to be registered with the respective DoT LSA unit having geographical jurisdiction. Any change in the location of OSP Centre requires amendment in the original registration. Further any change in the network diagram requires to be intimated immediately.

4.15 In case of multiple registrations, after getting the registration certificate for the first location, the OSP can apply to other respective DoT LSA office for remaining sites. In such cases, the OSP has to submit only copy of OSP Registration obtained for first site and a copy of certificate of incorporation issued by Registrar of Companies, if such request is made by OSP within one year and there is no change in the status of previously submitted documents. After one year a complete set of documents shall be required to be submitted.

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

(6) Requirement to furnish Annual Return

4.16 The OSP is required to submit 'Annual Return' to the registering authority in the prescribed Performa within six months of completion of the financial year, indicating the details of the activities of the previous financial year and the status of their continuing the OSP operation. The operational OSPs shall be put in the Active OSP list. Those OSPs

who are not submitting the annual return for consecutive three years shall be put in the dormant list and their registration will be cancelled after keeping them for two years in the dormant list. Such list would be made available on the DoT web site.

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.

(7) Technical Conditions for OSP Registration

4.17 The OSP is mandated to take Telecom Resources from an authorized TSP only. The authorized TSP is required to provide telecom resources to the OSP after examining the network diagram of the network proposed to be set up by OSP and after ensuring its bonafide use. The copy of network diagram approved by the TSP is required to be submitted by the OSP to DoT LSA unit for verification and records. Both the Authorized TSP and OSP are responsible towards any violation of terms of conditions of License and registration respectively.

4.18 OSP is permitted to share the Telecom bandwidth with other activities of the same Company / LLP or group of companies. However, the OSP shall ensure that there will be a logical separation between the Telecom Resources for OSP and the Telecom Resources for their other activities. There shall be no voice / non voice traffic flow between them.

4.19 Interconnection of the International OSP with Domestic OSP is not permitted.

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.

4.20 An OSP is permitted to have internet connectivity from the authorized Internet Service Provider. For the purpose of Internet connectivity in India, the OSPs are permitted to use IP address that is registered in the name of an Indian Entity that shall be traceable to a physical address (location) in India. Internet connectivity and IP addresses pertaining to any location outside India is not permitted. 4.21 As per the License condition for Internet Service, the ISP is not authorized to provide VPN/ Closed User Group to its subscribers. Therefore, the OSP is required to get the Internet connection for each OSP center separately, as per requirement.

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.

(8) Provisions related to Hot Sites for Disaster Management

4.22 The domestic OSPs are permitted to connect to the dedicated servers provided at the registered 'Hot Sites', only at the time of disaster with due intimation to the DoT

giving connectivity details. Similar arrangements are permitted to the International OSP also.

4.23 OSP Centres of the same Company / LLP (both domestic & International) are permitted to cross map the seats for use during disaster with due intimation to the DoT.

4.24 However, any interconnection between the 'Hot Sites' of domestic OSP and International OSP is not permitted.

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.

(9) Terms and Conditions specific to the Domestic OSP

4.25 Domestic OSP is permitted to terminate PSTN/PLMN connection with outgoing facility on the same EPABX provided that such PSTN/PLMN lines shall be used for making calls through normal NLD network only and in no way directly or indirectly cause bypass of licensed National Long Distance Operator (NLDO) jurisdiction. There shall be a logical partitioning to ensure the separation of these facilities. They may have other connectivity e.g. Lease Circuit and Virtual Private Network (VPN) at the same centre, however, there shall not be any call flow between these PSTN lines and Leased lines.

4.26 Interconnectivity of two or more Domestic OSP Centres of the same Company / LLP or group of companies is permitted.

4.27 Domestic OSP is permitted to use Integrated Services Digital Network (ISDN) connections only for the purpose of back up of domestic leased circuits.

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.

(10) Terms and Conditions specific to International OSP

4.28 No PSTN connectivity is permitted to the International OSP at the Indian end. PSTN connectivity on foreign end is permitted having facility of both inbound and outbound calls. Further, interconnection of two or more International OSP of the same Company / LLP or the group companies is permitted, with intimation to the registering authority within 15 days of such interconnection.

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. (11) Provision for monitoring and security mechanism

4.29 The terms and conditions for OSP registration were initially issued considering that the EPABX and related resources would be placed at the OSP centre. This allowed easy access and monitoring of the utilization of resources as and when required. With the advancement of technology and change in business need, OSPs prefer to keep minimum infrastructure required for running the services in their premises.

4.30 Generally data centres are preferred outside destination for aggregation such infrastructure / resources. Main reasons for such set ups may include: (a) Cost effectiveness as the expertise required for maintaining such resources are available at data centres. Hence, there is no necessity for maintaining exclusive manpower for such activities which may not justify full time personnel.

(b) Better reliability due to uninterrupted power supply and dedicated manpower with expertise available for maintaining them at data centers.

(c) In a multi OSP environment pooling of resources at one place allow efficient utilization of common resources.

4.31 In the recent past there is a trend in shifting EPABX also to such locations outside OSP premises. It is also seen that telecom resources like PRIs / Internet are availed at outside OSP location and then extended to the actual OSP location where agents are seated for operational requirement.

4.32 In such a situation where the infrastructure for OSP (Data Centre/ PABX /telecom resources) are placed outside the OSP center, the inspection of such infrastructure to check the compliance of terms and conditions of OSP registration would be difficult. In cases where these infrastructures are shared with other OSPs it becomes a complex scenario to check the compliance of terms and conditions.

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.

4.33 New scenarios of OSP centre, where new OSP is required to be set up as extended arm of an existing OSP centre are also being reported. In this case, all the resources of an existing OSP centre are proposed to be used and no new telecom resources are required to be installed. This may be due to the reason that the physical space at the existing location may not be sufficient for further expansion. Other reasons may be due to some business exclusivity need or efficient utilization of existing telecom resources.

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?

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.

(12) Sharing of Infrastructure between International and Domestic OSP

General Conditions:

4.34 Sharing of infrastructure by the domestic OSP and International OSP is permitted with prior approval of DoT subject to the condition that they belong to the same company/ LLP. In addition, OSP should set up a call centre having at least 50 seats. The OSP would be responsible for any violation of the terms and conditions of registration by anyone including but not limited to its employees.

4.35 The registration for sharing is valid for an initial period of 3 years from the effective date, unless revoked, extendable for a further period of maximum 3 years. The OSP is required to submit a bank guarantee of Rs. 50 lakh for Option – 1 and Rs. 1 Crore for Option – 2 (option 1 & 2 defined in technical conditions), in addition to signing an agreement in the prescribed format.

4.36 For extension of sharing registration beyond 3 years, a request along with extended validity period of bank guarantee is required to be submitted at least 60 days prior to the expiry date of registration for sharing.

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.

(12.1) Technical Conditions:

4.37 The Technical conditions for sharing of infrastructure by the domestic OSP and International OSP are categorized under two options.

(A) Option – 1: Separate & Independent EPABX to be used for International & Domestic OSP Centres with sharing of same operator position

Under this option only the operator position is shared. There is no interconnection between the EPABX used for domestic and international OSP and they are kept separate and independent. The OSP is required to ensure that one operator position is offered either incoming or outgoing call at a time irrespective of domestic or international. No voice traffic flow between domestic and international OSP centers is permitted and the OSP is required to ensure that there is no bypass of the network of authorized TSPs in case of NLD / ILD calls. For audit purposes, OSP is required to ensure that the system logs are tamper proof and are preserved for at-least six months.

(B) Option – 2: Sharing the EPABX of International Call Centre (ICC), Domestic OSP Centres and PSTN lines for office use with logical partitioning

For sharing of the EPABX of the International and domestic OSP, there should be complete logical separation between the activities of the domestic OSP, International OSP Centre and PSTN lines for office use. Logical separation should be such that no voice or data traffic shall flow among the Domestic / International OSP centers and PSTN lines for offices use and no bypass of the network of the Authorized Telecom Service Providers shall be caused. OSP shall certify before using the EPABX sharing facility that the logical partitioning as per the OSP Registration has been implemented and shall remain implemented. In this regard, the OSP is required to submit a certificate from the Vendors of the equipment that the software is capable of logically bifurcating the common infrastructure into two / three (as applicable) separate and independent environments for the Domestic OSP Centre, International OSP Centers and PSTN lines for office use. The certificate is required to be deposited with the concerned DoT LSA unit. Further, OSP is required to ensure that the system logs are tamper-proof and system logs are preserved at least for one Year. The usages records (Call Detail records and Usages Data Records) are required to be maintained for a period of one year. The OSP is also required to provide the CDRs and UDRs thus saved/stored to the Security agencies/DoT as and when demanded.

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.

(12.2) Open source EPABX or distributed architecture of EPABXs (main EPABX at a centralized location and media gateways at individual OSP centres)

4.38 The terms and conditions of OSP registration were amended on 21.11.2012 permitting use of distributed architecture of EPABX (main EPABX at a centralized location and media gateways at individual OSP centers) for their OSP centers across India. The OSPs using distributed architecture of EPABX are required to carry out call-restrictions, logical tenant-partitioning etc. from the central EPABX. The media gateway/PBX at the remote ends are required to maintain a copy of configurations pertaining to logical separation and keep it updated a predefined periodicity.

4.39 The CDRs for all the Voice Traffic carried by EPABX is required to be segregated for each media gateway and preserved for at least one year. The time stamp in the CDR should be synchronized with Indian Standard Time and it should be possible to view the CDR data alongwith the details of the agent managing the position by remote login to CDR machine/ server.

4.40 The log of all command(s) relevant for implementation of partitioning / call-routing should be non-erasable & non-editable and would be kept by the OSP in the EPABX Server/Media-Gateway for a minimum period of one year.

4.41 List of commands (command-set) for the Central EPABX/ Server/ Media Gateway(s) along with their application and functional details are required to be submitted to the concerned DoT LSA unit. Any subsequent change later on in this command-set is also required to be intimated within a week of its implementation to the concerned DoT LSA Unit.

4.42 A schematic diagram depicting the authorisations and call-flow permitted at remote location and the partition/access table duly signed by the authorised signatory shall be submitted to the DoT LSA Unit. This shall include the details of barred access for remote location. Any subsequent change later on in the schematic is also required to be intimated to the DoT LSA Unit within one week of its implementation. A copy of this shall be maintained at the OSP location.

(12.3) Monitoring of compliances in case of distributed architecture of EPABX

4.43 The following accessibility/tests are required to be extended to the DoT LSA unit in which OSP Centre is registered :-

- (a) Unhindered access to the premises and the system(s) for checking compliance to the terms & conditions of the OSP Registration.
- (b) Login facility from a management terminal of Server/Media- Gateway hosted in OSP Centre to view, inter-alia, the ROUTING / partition-table /CDRs and to check “call-trace” in the EPABX for extension(s).
- (c) Making test call from any extension to any extension /PSTN number and tracing such a call to check if all routing restrictions are being followed.
- (d) Further, in respect of the “Centralised EPABX Locations”, the TERM Cell in whose jurisdiction it falls, shall also have unhindered access. For checking any of the points mentioned above for not only for the central location but also for other/remote locations.
- (e) Further, for ensuring effective monitoring of such networks having distributed EPABX, apart from the DoT unit in whose jurisdiction the OSP Center is located and the DoT unit in whose jurisdiction the “Centralised EPABX” is placed, may carry out periodic checks on the respective EPABX location(s) of the OSP.

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.

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.

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.

(12.4) Provision of Call Centre Facilities by Call/ Contact Centre Service Provider (CCSP)/ Hosted Contact Centre Service Providers (HCCSP)

4.44 There are Service Providers who have set up Data Centers/ Facilities for providing the infrastructure required for setting up of a Call Centre/ Contact Centre instantly. These service providers (CCSP/ HCCSP) and their infrastructure are explained in Chapter III.

4.45 The various models of service offering by CCSPs are providing a PABX which controls voice calls between PABX extensions and the customers calling/ called by the OSP centre. The technology used for Voice switching may be circuit switched or Packet switched. The PABX may be a single network element or distributed in various network elements either on a dedicated hardware, distributed dedicated hardware or emulated through software on servers. Irrespective of technology used, the basic service rendered to the OSPs/ used by OSPs is the voice switching.

4.46 In case of infrastructure provided by CCSP, there is dual control in operation of call centre type of services partly in the hands of CCSPs and partly in hands of OSPs. CCSPs, which are not regulated as on date and therefore are not obliged to comply with the terms and conditions applicable to OSPs, actually control partition tables, that are heart of all operations of such networks and only some part of data is administered by OSPs. This may lead to manipulation of networks by CCSPs without the knowledge of OSPs. Even periodical inspection of OSPs cannot help in identifying activities related to violation of terms and conditions.

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.

(13) Interconnection of Data Path and Voice Path in Domestic Operations:

4.47 In case of Domestic OSP, a separation is required to be maintained between PSTN lines and leased circuits to ensure that there is no call flow between them. The domestic OSPs may require to have internet leased lines and NLD leased lines / VPN circuits

terminated on the same network where PSTN is terminated and EPABX is connected. To comply the separation of data and voice path, the OSP may be willing to deploy logical partitioning. However, it is noted by DoT that monitoring of logical partitioning / separation of voice and data path is a challenging task.

4.48 There may also be requirement of connectivity of EPABX with leased line for O&M of EPABX. In this case also the monitoring of usage of leased line with EPABX would be a challenging task.

Q22. Please provide your comments on monitoring of compliance in case interconnection of data and voice path is allowed for domestic operations. (14) Use of Closed User Group (CUG) for internal communication of the OSP Company / LLP

4.49 Under this arrangement, a corporate extension number calling from City 'A' is able to access the extension of other City 'B' or City 'C'. This is commonly termed as Closed User Group (CUG), meant for internal communication of the company / LLP. The interconnectivity of the call centers is permitted for the same company or same group of companies. Further, the OSPs are permitted to use CUG facility for their Internal Communication needs subject to following conditions to be fulfilled by OSP:-

- a. PSTN/PLMN/Internet telephony network is not to be connected with CUG network. There should be no bypass of NLD/ILD while making PSTN/PLMN calls. The EPABX extensions are allowed to call any national or international number (without bypass of NLD/ILD) through the PSTN/PLMN lines terminated in the EPABX which has logical partitioning for CUG. [i.e CUG extension in City A shall use the PSTN/PLMN network connectivity only of the Licensed Service Area (LSA) encompassing the City 'A' and not of any other LSA for making or receiving calls to/from PSTN/PLMN].
- b. For availing this facility, the necessary accessibility/tests as enumerated for distributed architecture of EPABX, mentioned in above section are also required to be extended to the DoT LSA units.
- c. The OSPs not using the sharing of infrastructure (sharing of EPABX or sharing of operator or Centralised EPABX architecture) are also allowed to use the CUG facility.

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.

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.

(15) Provisions required to be made to enable 'Work from Home' to OSPs and the restrictions thereupon, if any.

4.50 The agent at home is treated as Extended Agent Position of the call centre and interconnection is permitted through authorized service providers provisioned (secured) VPN (PPVPN) which have pre-defined locations i.e. home of the agent and the OSP centre as VPN end user sites. Over and above PPVPN, the OSP may use their own security mechanism like Authentication, Authorization and Accounting at the same call centre from which the connectivity has been extended to the home agent. A security deposit of Rs. 1 Crore for each registered location of OSP centre from which Work from Home is extended is required.

4.51 For obtaining the permission for work from home, the OSP is required to submit complete details for extended agent positions like name and complete address, connectivity alongwith the name of the service provider etc. as per the application form. All logs of the activities carried out by the extended agent should be maintained for 1 year. The IP addressed assigned on the VPN and the OSP centre in this regard should also be maintained for each extended agent position and should be produced whenever required by DoT. The Authority shall have the right to carry out periodic/surprise inspection of such establishments.

4.52 Registration for such facility shall be valid for a period of 3 years. This may be extended for a further period of maximum 3 years after expiry.

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

(16) Domestic Operations by International OSP

4.53 Some of the OSPs are requesting to DoT for allowing the service to domestic customer of their client using International OSP resources availed by them.

4.54 In such an arrangement, for in-bound calls, customers in India will be extended with service through an International Toll Free number. Calls will be taken to a foreign destination and from there these calls will come back through their foreign PoP. For out-bound calls, the domestic customers receiving a service call from such OSPs will get CLI of an international number, even though the call is originated from India.

4.55 Presently, such companies are advised to register for domestic OSP centres for serving their domestic customers. Domestic OSP registration for such operations necessitates having separate resources. Else OSP will have to resort to sharing of resources with submission of Bank Guarantee, as applicable. These options may not be cost effective, if the volume of transactions for these two segments of clients separately is not adequate.

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.

(17) Use of Foreign EPABX for International Call Centre

4.56 International OSPs may require to use EPABX in foreign land for their OSP operations in India. With the amendments in 2012, stipulating requirement of unhindered access to LSA Field units in whose jurisdiction the centralized EPABX location falls, location of EPABX is being considered as one of the parameters for deciding about approval for registration by DoT.

4.57 Companies with global foot prints will have to locate their centralized EPABX in one of the countries depending on various factors. Insistence by every country to have EPABX in their country cannot be met with centralized architecture. Additional EPABX just for meeting the country's regulatory requirement will lead to extra expenditure and which will affect competitiveness.

4.58 In case, allowing foreign EPABXs is considered, primacy of Indian Telegraph Act over foreign numbers / extensions working in such OSP centres and adequate safeguards w.r.t CDR required to be ensured.

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.

(18) Security Conditions:

4.59 The Chapter V of OSP registration provides the Security conditions applicable to the OSPs. In order to ensure their compliance, the Licensor reserves the right to inspect as detailed in clause 1 of the Security conditions. The Security condition also provides prohibition of certain activities by the OSP under Clause 2. The Clause 3 of Chapter V provides security conditions regarding access to equipments, compliance to safety and other statute/ rule/ regulation including provision of CDR to security agencies.

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.

(19) Quantum and extent of penalties

4.60 The provision for penalty in case of violation of terms and conditions has been given in different chapters of the guidelines for OSP registration. These are as below:

Sub clause 4 of Clause (3) of Terms & Conditions specific to the Domestic OSP (Chapter III of OSP guidelines)

The Authority reserves the right to carry out the audit periodically. If the Authority is satisfied that there has been a violation of any of the conditions, it reserves the right to take punitive action including forfeiture of the security deposit and / or the cancellation of the registration.

Sharing of infrastructure between international OSP and domestic OSP (Chapter IV, Clause 1(e))

If the Authority is satisfied that there has been a violation of the conditions, it reserves the right to take punitive action including forfeiture of the security deposit and / or the cancellation of the registration held by OSP and the company shall be debarred from taking OSP registration for 3 years from the date of cancellation of such registration.

Chapter IV, Clause 2

(c) Any failure to abide by the terms & conditions of Registration shall entitle the Authority to encash the Bank Guarantees and to convert into a cash security without any reference to the OSP at his risk and cost. No interest or compensation whatsoever shall be payable by the Authority on such encashment.

(d) Without prejudice to its rights of any other remedy, the Authority may encash Bank Guarantee and forfeit the security deposit in case of any breach in terms & conditions of the Registration by the OSP.

Penalty in case of violations for conditions related to Work from Home:

The Authority shall have the right to forfeit the security deposit, in case of violation of any of the terms & conditions for OSP category in the schedule appended hereto, identified to its satisfaction. The OSP shall be liable for any violation of the said terms and conditions by anyone including but not limited to its employees/ home agents. The Authority reserves the right to take appropriate action including cancellation of the registrations held by OSP and the company shall be debarred from taking OSP registration for three years from the date of cancellation of such registration.

Penalty for violation of terms and conditions of Sharing of EPABX of ICC, DCC OSPs and / or PSTN lines with logical partitioning, Use of Centralized EPABX architecture, Deploying the CUG for internal communication of the OSP company with sharing of EPABX

The Authority shall have right to forfeit the security deposit, in case of violation of any of the terms & conditions for OSP category in the schedule appended hereto, identified to

its satisfaction. The OSP shall be liable for any violation of the said terms and conditions by anyone including but not limited to its employees. The Authority reserves the right to take appropriate action including cancellation of the registrations held by OSP and the company shall be debarred from taking OSP registration for three years from the date of cancellation of such registration.

Q29. Do you agree with the provisions of penalty mentioned in the OSP guidelines? If not, please suggest suitable changes with justification. (20) OSP to OSP interconnectivity providing similar services i.e. third party outsourcing and the safeguards

4.61 Interconnectivity of two or more Domestic OSP Centres of the same Company / LLP / or group of companies is permitted. Interconnection of two or more International OSP of the same Company / LLP or the group companies is permitted, with intimation to the registering authority within 15 days of such interconnection.

4.62 Any interconnection between Domestic or International OSPs not belonging to same company or group of companies is not permitted. Therefore, any domestic OSP cannot have any type of interconnection (voice/data) with either a domestic or international OSP belonging to a different Company.

4.63 As such, any OSP cannot outsource part of any activity to any third party OSP.

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.

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

4.64 The Chapter VI of the annexed OSP guidelines provides miscellaneous conditions to be complied by OSP. In addition, it provides conditions for arbitration.

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.

ISSUES RELATED TO UNSOLICITED COMMERCIAL COMMUNICATIONS

4.65 Unsolicited Commercial Communications (UCC) are communications, made via voice calls or SMS, to subscribers without their consent or willingness. Recently, new regulations on UCC, "The Telecom Commercial Communications Customer Preference Regulations, 2018" (TCCCPR, 2018), were issued by TRAI on 19.07.2018.

4.66 The OSPs having out bound voice call facility may be making calls for transactional, promotional and service purposes. They may be making calls as a sender or on behalf of some other entity. Such calls are required to be complying with the provisions of TRAI's TCCCPR, 2018. Provisions in OSP registrations may be needed to tackle this issue.

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.

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

Chapter-V

Summary of Issues for Consultation

5.1 The view of stakeholders are sought on following issues:

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.

Suggestions:

The definition should be revised to exclude Application Services - Voice process (call centre services) and Data / internet based services **provided to captive users within affiliates of the same Company.**

In view of the original intent of the regulations, such services do not qualify under the definition of BPO, and are solely facilities provided to captive internal users (call center services to captive users could be e.g. internal IT Helpdesk, Informational, queries, services requests etc., and Data services being use of data connectivity to provide - back office / middle office operations for internal users or affiliates only) by the Company itself. These services are NOT outsourced to third parties (BPO - Network operations centres, data centres etc.) who provide these services for multiple clients, nor are they being provided by the Company to third parties (e.g. Contact Centre Service Providers, Hosted Contact Centre Service Providers). The Company would also use voice calling only for inter-office communications purposes, or to service their own captive customers across affiliate companies.

Specifically for the case of a bank providing tele-banking service, operated in-house by the bank, to its own customers, this requirement of registering as an OSP should be excluded.

Justification:

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.

Suggestions:

With the explosion of mobiles and smartphones, availability and usage of cheap voice, data, and voice over data across multiple devices, the regulatory framework must be reviewed. There may not be significant benefit in monitoring OSPs for compliance in terms of toll bypass resulting in loss of revenues, as such resources itself are now available at very minimal rates and widely used by consumers across the country. Hence clauses on logical separation of call flow between PSTN and VOIP should be discontinued. Removing this will provide flexibility and become enablers to anywhere working, work from home, and flexible work policies that are prevalent today.

Our view is that the OSP framework must be discontinued, and a new framework designed to ensure accountability of, and governance & monitoring by, the authorized Telecom Service Providers. Since there are already licensing requirements that regulate this, there is almost no possibility that any Telecom resource can be provisioned other than from the authorized providers. The framework must be designed to increase vigilance and monitoring by the TSPs to ensure the bona fide use of such resources to whomsoever it is provisioned, and identify if there is any infringement upon the jurisdiction of other access providers. Regulatory actions and accountability for non-compliance identified may be prescribed accordingly in the framework. Undertaking on bona fide use and detailing any key requirements that the customer needs to comply to may be requested from the customers prior to provisioning such resources, to ensure accountability in case of any misuse.

Justification:

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

Suggestions:

To be read in continuation of response to Q2, Validity period should be discontinued. Confirmation on whether OSP is still active may be implicitly taken from the telecom service providers as long as the OSP is availing telecom services.

Justification:

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.

Suggestions:

Remove - list of directors, shareholding pattern. These are not relevant, as the mandatory documents itself provide adequate details of Company registration. Also to be read in conjunction to response for Q1.

Justification:

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

Suggestions:

No comment. Please also read in conjunction to response for Q2.

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.

Suggestions:

No comment. Please also read in conjunction to response for Q2.

Justification:

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.

Suggestions:

No comment. Please also read in conjunction to response for Q2.

Justification:

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.

Suggestions:

Clarity should be provided on what is expected in terms of logical separation of Telecom resources, and interconnection of Domestic / International OSP. Look at removing this as it is not clear what is the intent as well, and how it is to be complied to.

Justification:

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.

Suggestions:

For most Multinational Companies, the internet access is from their group / parent companies infrastructure for which is mostly overseas. Typically, they will be using a centralized internet connectivity architecture residing in their Data Centres outside the boundaries of the country, and using a global pool of IP addresses not registered to an India entity with address in India. If the intent of this requirement is for traceability, then this should be revised to mandate the Company to put in appropriate measures to trace back any internet access to the source, and do away with the original requirement.

Justification:

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.

Suggestions:

In current environment, most Companies will have PBX / servers situated centrally in their data centres. This clause should be removed, and the Company should be allowed to operate from a Hot Site on demand without any notification. The bona fide use of the central PBX etc. is already reviewed at the time of applying for registration. Also the registration requirements itself need to be reviewed, as per response to Q2.

Justification:

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.

S Suggestions:

Refer to comment in Q2. Logical separation is no longer relevant with access to cheap data and voice connectivity to everyone in country.

Justification:

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.

Suggestions:

Refer to comment in Q2.

Justification:

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.

Suggestions:

Physical proximity to inspect such resources is no longer necessary in today's environment. Regardless of the location, access to the logs, configuration, remote login for making test calls etc. can all be provisioned for inspection remotely.

Justification:

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?

Suggestions:

This should be allowed. In current environment, most Companies will have PBX / servers situated centrally in their data centres. The OSPs would typically have only the media gateways at their locations, without any additional telecom resources.

Justification:

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.

Suggestions:

Refer to comment in Q13.

Justification:

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.

Suggestions:

Refer to comment in Q2.

Justification:

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.

Suggestions:

Refer to comment in Q2.

Justification:

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.

Suggestions:

Refer to comment in Q13.

Justification:

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.

Suggestions:

Refer to comment in Q2.

Justification:

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.

Suggestions:

Refer to comment in Q2 & Q13.

Justification:

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.

Suggestions:

No comment

Justification:

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

Suggestions:

Refer to comment in Q2.

Justification:

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.

Suggestions:

Refer to comment in Q2.

Justification:

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.

Suggestions:

Refer to comment in Q2.

Justification:

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

Suggestions:

Refer to comment in Q1. These provisions should not apply to purely data / internet Application services (non-voice services) provided by the Company for their internal captive users. As even the primary references in the guideline and context provided only pertain to the Agents, and Call Centres.

In the context of OSP providing Data only Application services only i.e. non-voice process, remote connectivity to the Company's own infrastructure will traverse via the Company's own remote access infrastructure Only after successful authentication, with the user be authorized to access the resources they are entitled to. With this model, it is not necessary to have a point to point connectivity between the users' home and the OSP Centre, and this requirement should be removed.

This clause on Work from Home is outdated and not relevant to Data / Application services. While other industry guidelines (e.g. SEZ guidelines) have evolved to accept the need to allow "Work from Home" for employees, removal of this or suitable amendment will only enable the provisions for Work from Home.

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.

Suggestions:

Refer to comment in Q2.

Justification:

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.

Suggestions:

Refer to comment in Q2.

Justification:

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.

Suggestions:

No comment

Justification:

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

Suggestions:

No comment

Justification:

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.

Suggestions:

Allowing this may enable flexibility in evolving newer business models.

Justification:

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

Suggestions:

Do not quite see any infringement on the scope of TSPs in the current context.

Justification:

Q32. Do you agree with the miscellaneous provisions mentioned in the Chapter IV of the OSP guidelines? If not, please suggest suitable changes with justification.

Suggestions:

No comment

Justification:

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.

No comment

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

The OSP framework has evolved through the years and good time now to re-look at the same by inviting feedback. The key points to be considered are:

- 1) The framework started with Call / Contact centers providing voice based services to customers. The scope was later extended to include Application services, but the provisions of the guideline are not very clear if they should apply to call center or Application service or both. Clarity on that aspect will greatly help.
- 2) Core objective of the OSP framework was to recognize the boundary between “telecom service providers” as against companies who used telecom resources for providing value added services. The guideline and the focus of reviews conducted by TERM cell primarily revolve around protecting telecom revenues e.g. CDR, how toll-bypass is implemented etc. With the rapid evolution of telecom services especially mobile telephony and mobile data availability to general population at cheap rates (including Skype or WhatsApp calling), the need to restrict and govern the area of toll-bypass has probably lost its relevance. This aspect should be considered to amend the OSP guidelines as suitable.
- 3) The need for registration of OSPs meets broadly two objectives – One is for documentation and secondly for governance. As per point 2 above, the need for governance can be re-looked at. For documentation, this data should be readily available from telecom service providers. The aspect of governance with respect to intended use of the telecom resource can also be supplemented by the Telecom service provider themselves.
- 4) The registration requirements should be removed for captive services i.e. a company providing application services to its affiliate / group companies. Or a Bank providing Phone banking services to its own customers. In both these cases, the services are for captive usage, as against a BPO type company providing these services to client companies.

Suggestions:

Justification: