

**Consultation Paper on Review of Terms and Conditions for registration of
Other Service Providers (OSPs) - Comments from Ozonetel Communications Pvt. Ltd.**

At the Outset, Ozonetel thanks the TRAI for coming up with this most important consultation framework on reviewing the OSP terms and conditions which has been long overdue. The current OSP framework is highly dated and not in line with the current business needs and evolving technology trends. The current business methods are increasingly relying on “Anytime anywhere” / “as a service” / “pay per use” kind of engagements, which can operate from anywhere, anytime, subject to agreed SLAs in their business. It may be noted that each domain of business has since evolved its own global operational as well as security standards that are far more stringent as demanded by the sensitivity of that domain. For e.g. the Financial transactions are subject to PCIDSS standards and healthcare transactions are subject to HIPAA standards. For Security the ISO 27K is insisted upon.

The extent of security and operational hygiene that is required in the BPO operation is well documented in the business agreements of BPO and their end clients always. So the regulatory oversight does not need to assume it upon itself and extend the oversight into such end business requirements. Further the current OSP framework is ambiguous on whether even the captive operations to handle their own business stake holders also need to be governed by the OSP regulation or it is applicable to only those BPOs that serve their end clients with the said BPO service as a core business function than as an internal requirement.

Keeping the above back drop in view, Ozonetel desires to stress that the new framework shall seek to accomplish the following indicative, but not exhaustive objectives:

1. Simplified and clear definitions that give no room for ambiguity
2. Simplified online registration of an OSP and Minimal scope for subjectivity for enforcement.
3. One Registration per one legal entity that is geography neutral, technology neutral and technology/ infra ownership neutral.
4. The OSP registration shall not be tied to one specific address only. With one OSP registration once done, the OSP holder may be allowed to operate across any of its offices in its business ecosystem. The regulation shall not specify that the OSP must own all the infra. OSP shall be free to adopt either Capex based solutions (Owning the Tech and infra) or Opex based solutions (Subscribe to the Tech and infra as a service).
5. It should also enable integration of in-house processes and the outsourced processes for a single view of the business operational metrics across the same or different OSPs locations.
6. Light touch regulation with Minimum Compliance load and Business sensitive compliance costs should be enabled for OSPs. The fees and BGs imposed shall not become the deterrents to Start-up/ SME /MSME sectors.
7. Forward looking and enabling framework that empowers OSPs to exploit and optimize the best available technology options to manage the OSP operations.

Sl. No	Issue for Consultation	Ozonetel Comments
1	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.	<p>The current definition is limiting the context and has not taken into consideration the converged nature of communications and cloud based Technology solutions. The regulatory oversight need not include the end purpose and the nature of communication. (There is no need to mention tele-banking, tele-medicine, tele-education, tele trading, e-commerce, etc. in OSP definition to remove all kinds of subjective interpretations at field level)</p> <p>We recommend that OSP may be rechristened as Business Communications Services Providers (BCSPs)</p> <p>The suggested simplified definition of BCSP may be as under with full clarity on what is covered and what is not:</p> <p><i>Business Communications Service Provider (BCSP) is defined as any person or an entity that is engaged in executing any form of communication through Voice / Video / Text / any form of data sharing across two or more stakeholders with voice process as core, in order to serve any legally permissible operations using any form of technology infrastructure that is legally available. Any exclusive non-voice process shall stand excluded from this definition and does not need attract any registration.</i></p> <p>Once the above definition is agreed then there is no need to separately treat the application services as a different entity. All related applications shall get included in one single all-encompassing umbrella definition.</p>
2	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.	<p>Here the purpose of the Government shall be articulated first and objectives of Government must be clearly spelt to comment on whether OSP framework has been meeting them or found inadequate anywhere. This can be done by Government only.</p> <p>However, with available inputs, it is assumed by us that OSP was originally intended for statistical purposes and also to provide incentives to the sector to promote the ITES/BPO sector</p> <ol style="list-style-type: none"> 1. If only statistical purposes are to be met, then a simple periodic return in specified data input format could serve the purpose. Every entity is filing many statutory returns and filing one more online return may not be a big load anyways. 2. If incentivization is the other objective, then all interested and eligible entities may be advised to apply for the same and Government can scrutinize

		and allow incentives to all eligible entities at annual intervals.
3	What should be the period of validity of OSP registration? Further, what should be validity period for the renewal of OSP registration?	The current validity norms are good to continue.
4	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.	<p>Here also the purpose of the Government shall be articulated first and objectives of Government must be clearly spelt to comment on whether the supporting documents for OSP framework have been meeting them or found inadequate anywhere. This can be done by Government only.</p> <p>Else, like any other registration, for this also the supporting documents shall be as under:</p> <ol style="list-style-type: none"> 1. Certificate of Incorporation. 2. MOU/MOA document. 3. PAN card. 4. Address Proof of the registered office. 5. Brief description of the line of business and nature of services that the entity would be delivering under this OSP registration. 6. Undertaking to ensure that all the services operated shall be lawful and in full compliance of the DOT regulations applicable from time to time for such services. 7. Details of payment made for the registration as per applicable fees. <p>Once the suggested definition is adopted, there would be no need to ask any Network diagram etc. An omnibus undertaking that the entity is engaged in lawful business shall be good enough</p>
5	Do you agree with the fee of Rs. 1000/- for registration of each OSP center. If not, please suggest suitable fee with justification.	The fees levied shall reasonably cover all administrative costs associated with the said registration. Government may examine and levy such reasonable fees that would cover all their expenses to manage this transaction. We suggest an amount of Rs.5000 should be reasonable for a single all India registration for one legal applicant entity.
6	Do you agree with the existing procedure of OSP registration for single/ multiple OSP centers? If not, please suggest suitable changes with justification.	<p>There shall not be any need for multiple registrations for the same legal entity once registered.</p> <p>We suggest only one OSP registration that shall cover all the locations of the Applicant Service Provider within India. It may have an annexure with all details of all locations, which can be added /deleted anytime later as and when there is any change.</p> <p>The Service Provider should be free to operate under this registration anywhere across the country at multiple</p>

		locations, as per their business needs, without any restriction.
7	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.	Any OSP that does not submit the mandated annual returns for 3 consecutive years may be de-registered. There is no need for maintaining any dormant status. Once de-registered, such information shall get communicated to all access service providers to enable them to take necessary action to suspend the Telecom resources provided against this OSP registration number.
8	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.	If the suggested BCSP definition is adopted, then there may not be any need for the Network diagram and usage of Network infra etc. as Regulation does not desire to impose any restrictions on Technology infra to be deployed by the OSP.
9	Do you agree with the provisions of internet connectivity to OSP mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.	The new definition will take away ambiguity and may obviate the need for each of these operational details about the infrastructure deployed by the OSP
10	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.	Let all operational details and the BCP of the OSP be better left to OSP to handle. There may not be any need for regulator to get into the same
11	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.	This would be a requirement till such time PSTN and IP integration is legally prohibited. In line with NDCP 2018, eventually this shall be permitted by DOT and as and when this is legally permitted, even this would be history and may no longer be needed to be examined.
12	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.	This would be a requirement till such time PSTN and IP integration is legally prohibited. In line with NDCP 2018, eventually this shall be permitted by DOT and as and when this is legally permitted, even this would be history and may no longer be needed to be examined.
13	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.	If the new definition is adopted, it automatically simplifies all the various Terms and Conditions that were founded under the premise of regulating all operational aspects of OSP. With the suggested new definition, the OSP is free to adopt the best fit technology / infrastructure to be deployed. As the purpose of the business is delinked from definition, there may not be any need for most T & C that exist today with the old OSP framework
14	Please provide your views whether	As suggested by the new definition, in the age of cloud,

	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?	there is absolutely no need to enforce any geographic limitation of the OSP operations.
15	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.	As mentioned already, the regulatory oversight does not need to include the security and operational hygiene of the OSP operations. Let the compliance requirements be minimized and all avoidable terms that do not fit the Cloud/digital age, be done away with
16	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.	As mentioned already, please enable and empower the OSPs with ability to deploy the best available technology options without any avoidable regulatory deterrents. In the Cloud Age, sharing of infrastructure is the new normal. Regulation shall not artificially inflate the technology costs, without serving any significant regulatory purpose
17	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.	Same comment made above should apply to this issue as well
18	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.	<p>It is an imaginary fear that OSPs would infringe the TSP scope. Whatever is done by the OSPs is based on the Telecom resources provided by Licensed Access Service Providers.</p> <p>Any OSP will only resort to Call Conferencing which is a simple Telephony application service and does not infringe the core TSP scope at all.</p> <p>In the converged communications age where the network is available as a function as well as a service, it makes no ground to limit the OSP operations to any geography. If at all a limit is sought to be put, We should make the entire India as one logical operational unit for OSP.</p>
19	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.	<p>Logical partitioning is only intended to accomplish the objective of preventing PSTN and IP integration.</p> <p>Once the NDCP 2018 recommendation gets implemented by removing this bar, then PSTN and IP get integrated seamlessly. Then there is no need for these requirements either.</p>

20	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.	Regulatory monitoring of the operations of OSP may be required and this can be accomplished by having a node with regulator having real-time access to all Call Data Record details to ensure that the call data can be accessed any time.
21	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.	<p>CCSP/HCCSP is the Telephony application Service Provider. Their scope includes call conferencing/bridging of two call legs, one call leg to the calling associate and another to the far end customer. The CLIP that is visible in the call recipient's phone is always the PRI/SIP DID through which the calls are conferenced. Hence it is clear that is not any call switching that is done by the licensed BSOs/access service providers. There is a call answer event in the two call leg based solutions.</p> <p>In call switching, irrespective of the number of devices through which the call may flow, the CLIP of call originating number is always seamlessly carried and displayed in call recipients phone.</p> <p>It is just one call leg.</p> <p>In call switching the call answer event is not there till the call lands on the destination phone and gets answered by the destination phone.</p> <p>But in case of the CCSP/HCCSP it is always two call leg based solution with a clear call answer event on the first leg of the call and then initiation of the second call through a proper dial out, using the Telecom resources hosted in a Data Centre of the CCSP/HCCSP. The Telecom resources of CCSP/HCCSP are always procured from Licensed BSOs/TSPs and CCSP/HCCSP are only Telephony Applications Services Providers operating in the domain of adding value to the services offered by BSO/TSP.</p> <p>As mentioned earlier, actually it is but apt to rechristen OSP as BCSP (Business Communications Service Provider) and CCSP/HCCSP as BCSTP (Business communications Services Technology Provider)</p> <p>Thus, there is no infringement whatsoever with the scope of licensed BSOs/Access Service Providers.</p>
22	Please provide your comments on monitoring of compliance in case interconnection of data and voice path is allowed for domestic	If and when any call is received from any OSP that does not bear any 10 digit DN provided by any Licensed BSO/TSP, then such OSP can be immediately investigated and basis any unscrupulous activity, be suspended and further action

	operations.	<p>be taken. General Public shall be adequately educated on reporting such anomalies. It can be a reactive supervision than a proactive prevention in the interest of the reduced enforcement costs. Else, if it would have been proactively monitored for prevention of any abuse, it could cost heavily for regulators.</p> <p>There must be clear KYC compliance for the DNs through which calls are put through for all auditability post facto.</p>
23	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	<p>As mentioned already, let there be flexibility with the OSP to deploy all available technologies as long as lawful communications are being put through either for internal communications or external communications.</p> <p>There is no need to add complexity into the operations. These are converged communication times.</p>
24	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.	<p>All these restrictions were relevant when voice revenues of BSOs were high and using the IP for voice communications was cheap and thus to ensure that there is no room for toll bypass. Now that voice revenues are not significantly higher than the data connectivity charges, time is ripe to allow voice to be put through either on PSTN or Data Networks seamlessly basis business needs. Then this very need to monitor is obviated.</p>
25	Do you agree with the provisions of 'Work from Home' mentioned in the OSP guidelines? If not, please suggest suitable changes with justification	<p>As mentioned earlier, being in the age of cloud enabled technologies where any one can operate securely from anywhere; there shall not be any restrictions on the location of the associate for handling the business communications. It should be allowed without any restrictions. Let the Service Provider who is answerable to his end client and the SLAs committed with respect to all aspects of the communication handling. Regulation may better abstain from this aspect completely.</p>
26	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.	<p>Yes. It should be allowed. Once we simplify the very definition and remove all restrictions on the place of operation of the OSP, there is no need to deploy any further terms and conditions for the purpose.</p>
27	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.	<p>The Communications will essentially flow through the connectivity infra provided by the TSPs only. The location of the CTI infra should not matter. For law enforcement purposes, a monitoring node with real time CDR details may be insisted with DOT for any intervention as may be needed. Other than this, there should be freedom for operators to choose the location of their CTI infra and the network they choose to deploy to meet their business</p>

		objectives.
28	Do you agree with the Security Conditions mentioned in the Chapter V of the OSP guidelines? If not, please suggest suitable changes with justification.	Let the objectives of such regulations be crisply articulated and then examine if these are still relevant with the changed context of operations. Should regulator ensure security or the BPO should own its secure operations as the security SLA delivery always vests with BPO.
29	Do you agree with the provisions of penalty mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.	Penalties may become history once the new simplified definitions are enforced.
30	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.	Yes. We request that interconnectivity of OSPs be allowed. Whether domestic or International to deliver better business redundancies and improved SLAs.
31	In case OSP interconnectivity is allowed, what safeguards should be provisioned to prevent infringement upon the scope of licensed TSPs.	As mentioned already, the OSPs can't infringe into licensed TSP scope. They only do call conferencing and they put all their calls only through the PRI/SIP/ data circuits of the licensed TSPs. The TSP shall always gain an insight into the traffic flowing through the circuits provided by them and TSP can always assist any Law Enforcement Authority.
32	Do you agree with the miscellaneous provisions mentioned in the Chapter VI of the OSP guidelines? If not, please suggest suitable changes with justification	Let the objectives of these provisions be articulated and their relevance to the current context be evaluated and all unproductive provisions be done away with in one go.
33	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.	Now that the DND enforcement of TCCPR vests with Access Providers, there is no need to add any new terms and conditions to OSPs towards this objective.
34	Stakeholders may also provide their comments on any other issue relevant to the present consultation.	The contents of NDCP 2018, which are relevant to this context are attached here with in annexure. Please ensure that these are operationalized and all field units of DOT are advised suitably to accomplish the objectives of NDCP 2018

The following NDCP 2018 policy guide lines are of seminal importance in this context, especially.

Page 7:

1.1.f Encourage and facilitate sharing of active infrastructure by enhancing the scope of Infrastructure Providers (IP) and promoting and incentivizing deployment of common sharable, passive as well as active, infrastructure

1.1.g.iv. Allowing benefits of convergence in areas such as IP-PSTN switching

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1.1.j By encouraging innovative approaches to infrastructure creation and access including through resale and Virtual Network Operators (VNO)

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2.1.c iv. Improving the Terms and Conditions for 'Other Service Providers', including definitions, compliance requirements and restrictions on inter-connectivity

2.1.c.viii. Creating a regime for fixed number portability to facilitate one nation – one number including portability of toll free number, Universal Access numbers and DID numbers

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2.2.a iv: Encourage use of Open APIs for emerging technologies

2.2.b Promoting innovation in the creation of Communication services and network infrastructure by Developing a policy framework for 'Over The Top' services.

2.2.f ii. Enabling a light touch regulation for the proliferation of cloud based systems

2.2.f.iii. Facilitating Cloud Service Providers to establish captive fibre networks.

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2.4.a.ii: Promoting participation of Start-ups and SMEs in government procurement

2.4.b. Reducing the entry barriers for start-ups by reducing the initial cost and compliance burden, especially for new and innovative segments and services
