

ASSOCHAM Response to the Consultation paper on Review of Voice Mail/Audiotex/Unified Messaging Services License

The suggestions on the questions raised in the consultation paper are as follows:

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

We note that as per License agreement, Voice mail service is a stored & forward/ retrieve service on non –real time basis as also recognized by International Telecommunication Union (ITU). We believe that under this scope (being an only stored voice service), any qualified entity should be able to obtain a separate authorization for Audiotex service under UL.

With respect to the technical specification, it is submitted that current Audiotex license does not cover any conferencing service but the same has been included via a TEC specification. It may be appreciated that a TEC specification does not amount to any licensing condition and cannot change the scope of license.

TRAI has also very rightly noted that *“However, the license agreement does not refer explicitly to any audio conferencing related standards document of TEC or any other standardisation body.”*

In view of above, there is a need to correct the present anomalies in the audiotex service licenses and the principle of ‘Same service Same rules’ should be applied for the provision of any substitutable service.

Further, one of the objective of National Telecom Policy’2012 is to strive to create ‘One Nation – one license’ across services and service areas as well as to ‘Simplifying the licensing framework’. In endeavor towards meeting such objective, DoT has issued Unified Licence after considering TRAI recommendations and brought various types of licenses under one umbrella. Hence, it is right time to bring left over licenses viz Audiotex/ Voice Mail/UMS also under Unified License.

Therefore, for ‘Voice mail/ audiotex service with audio conferencing & real time voice service’ **the UL (Access authorization)** is desirable to avoid any further regulatory arbitrages.

We would like to submit that there is no need for the standalone Voice mail License and Audiotex License. The Voice Mail /Audiotex /Unified Messaging Services need to come under the Unified License (Access Authorisation).

All the current licensing clauses prescribing service specific conditions/prohibitions related to Audiotex Services should be incorporated in the UL (Access Authorisation).

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?

There is a need to review the existing technical specification in view of the fact that the license was written many years back and many technological advancement have happened since then.

Necessary Terms and conditions with respect to the Voice Mail/ Audiotex Services/UMS need to be defined under the Basic Service License or UASL or UL licensee with Access Service authorization, so that there is no exploitation of these services to gain any type of arbitrage.

Currently, Voice Mail/ Audiotex Services/UMS can be provided under UL (Access) while UMS can be provided by UL (ISP).

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?

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?

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?

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

Audio conferencing should be allowed only under an access service authorization under UL. It is also submitted that it should be as per national routing plan issued by the Licensor.

All current licensing clauses prescribing service specific conditions/prohibitions related to Audiotex Services should be incorporated in the UL (Access Services) including No point to point conferencing, no dial out, services not to be provided to bypass STD/ISD traffic etc.

With respect to the OTT players providing this type of service, regulatory equality principle of “same service same rule” should be adopted.

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

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

The regulatory licensing administrative activity cost can be reduced by incorporating the Unified Messaging Service 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.

We suggest that there should not be any separate standalone license for Voicemail / Audiotex/ Audio Conferencing / Unified Messaging Services or any other telecom services being provided under Section 4 of the Indian Telegraph Act. In fact, these services should now be offered under the Unified License. This is due to this fact that the Government has stopped the issuance of standalone licences for all other telecom services after the introduction of a Unified Licence regime. Any different licensing treatment for these

telecom services other than the Unified Licence, will weaken the efforts to bring all telecom licences under Unified Licence regime, which should be avoided.

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?

Voice Mail/ Audiotex and Unified Messaging Service (UMS) to be offered only under UL with an access authorization or ISP authorization or under ISP License.

This is important for creation of a level playing field in the market and to prevent any kind of regulatory arbitrage.

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, and Secondary Switching Area) to bring in uniformity among the Service Areas of different services? Please provide detailed justification?

Currently, the service area as defined for Voicemail/Audiotex/UMS licenses is an SDCA i.e. (Short distance charging area). As per the census of 2011, there are more than 2600 SDCAs across India. It is not practically feasible for the licensor to grant such a large number of licences in case any operator wants to provide the services throughout India.

Thus, it is recommended that in order to bring uniformity and transparency, the UL (Access Service Authorization) should be granted, with minimum authorization for at least one LSA.

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

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

As mentioned earlier in our response, the Voice mail/ Audiotex / Unified Messaging Services should be provided under Unified License (*with Access Authorisation*). The Entry Fee, Minimum Net worth and Minimum Equity should be the same as that applicable under UL (Access Service Authorisation).

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?

It is recommended to follow the uniform LF rate of 8% which is currently applicable across all telecom licenses / services. This will ensure creation of level playing field in the market and end any existing regulatory arbitrage.

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?

It is submitted that we reiterate TRAI's recommendations dated **6th January 2015** on "Definition of Revenue Base (AGR) for the Reckoning of Licence Fee and Spectrum Usage Charges" We recommend that the above definition should be persisted with and the revenues earned from subscribers through such services should be included for the purpose of levy of LF of 8%.

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?

The terms and conditions as prescribed under UL (Access Service Authorization) for Performance Bank Guarantee, Financial Bank Guarantee and Application Processing Fee should be followed.

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?

Duration of the license should be 20 years as is applicable 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?

The process of migration of existing telecom service providers to the UL Regime has already been defined by DoT in the Unified License.

In our view, all the existing Voice Mail/Audiotex/Unified Messaging Services licensees should be mandatory migrated to a UL (Access Service Authorization) as per the terms and conditions contained in the UL, in a time bound manner.

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?

In our opinion, the existing Voice Mail/Audiotex/Unified Messaging Services licensees should be mandatorily migrated to a Unified Licence (Access Service Authorization) within a prescribed time limit as decided by the Authority.

In case the Authority does not support the idea of mandatory migration, then steps must be taken to ensure that there is a level playing field in the market wherein all clauses of Unified Licence should also be made applicable to the existing standalone Voice Mail / Audiotex / Unified Messaging Service Licensees including but not limited to those related to levy of License Fee,

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 authorization under Unified Licence?

The existing Voice Mail/Audiotex/Unified Messaging Services licensees should be subjected to LF of 8% as has been prescribed in UL. Any differential regime on licence fee will only create a non-level playing field amongst operators offering similar services.

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