

General:

1. Concept of OSP regime and regulatory landscape

- i) The BPOS/ITES/KPOs offer the highest employment opportunities for India. Infact the need is to set policies so that India may become hub for BPO/ITES. This sector provides direct employment to an estimated 3.9 million people *and* expected rise to around 7 million by 2025, as per NASSCOM.
- ii) As of now most of talks/discussions are held with regard to regulations/procedures. THERE IS NEED TO DISCUSS AND WORK OUT STRATEGIES ON HOW TO PROMOTE THE SECTOR.
- iii) The DOT started registration of OSP in the year 2000 for call centres, BPOs and ITES. The main purpose of this was:
 - (a) to maintain a statistical record of the number of OSPs,
 - (b) to ensure that OSPs do not infringe on the jurisdiction TSPs.
- iv) There is ambiguity here itself on details of “not to infringe the jurisdiction of licensed TSPs”. It is understood in general parlance that this means to toll by-pass or concerns relating to security, monitoring and call interceptions.
- v) The OSP registration requirement in is non-existent in the world except Bangladesh. Hence cannot be taken as global practice.
- vi) Initially the PSTN services were costly and toll by pass was a critical issue. Now with internet, VOIP, OTT, tariffs are reduced to worlds lowest. Hence need for appropriate amendments in the policy.
- vii) Due to technological developments, the OSP guidelines are not suited to adoption of latest technologies. The TRAI has noted in the consultation paper that companies have discontinued use of physical infrastructure and have adopted cloud-based means to run their operations. The present guidelines do not extend adoption of cloud based technologies.

2. Suggestions in Brief:

- i) The OSPs are users of TSP facilities. All legal/security/monitoring requirements are taken care by TSPs. OSPs are at the most one more customer of TSPs. Hence the registration system be changed to “Intimation” system.
- ii) The prime purpose of policy should be to encourage the development of BPO sector in India, adherence to TSP’s rules as a customer and ease of doing business.
- iii) Allow cloud/Internet telephony/VOIP and other latest technologies for OSPs.
- iv) Need for a system/procedure/officer/committee in DOT to officially address/solve the day to day issues on interpretation policy clarifications. This is also to ensure that interpretations across all LSA are uniform.
- v) Some suggestions for changes in guidelines:
 - (a) Remove the physical location of an EAPBX or other equipments in OSP premises.
 - (b) Replace physical/audit monitoring by technology solutions.
 - (c) Permit CUG for OSP and NONOSP purposes.
- (d) One single registration/intimation for all the sites.

- (e) The restrictions for inter connection are not very relevant in the present technological advancements and needs to be abolished. No need for separate and independent resources for domestic and international OSPs at same location.
- (f) Need to remove high Bank Guarantees to share telecom resources under Option 2 for '*sharing of infrastructure*'¹ (sharing of operator positions and EPABX)
- (g) OSP is permitted to use distributed architecture and share an EPABX placed at a centralised location between OSP centres of the same entity or its group company. This be permitted at third party locations also.
- (h) The OSP are permitted sharing of telecom bandwidth between OSP and other activities of the same company or its group companies. It requires logical separation between the telecom resources for OSP and telecom resources for '*other activities*'. Also no voice or non-voice (i.e. data) traffic flow is allowed between OSP and non-OSP activities. This logical separation needs to be removed, as it is not practical.
- (i) The rules for work from home need BG and TSP VPN. This needs to be liberalised.
- (j) Instead of individual BGs for each step, one consolidated BG be provided and the amounts needs to be reduced to a logical level.
- (k) Need for monitored system for return of BGs.
- (l) The annual returns be allowed n line and no need to ask for revenues in the same. This is not relevant for licensing/registration purposes.
- (m) Inconsistency that network diagram be submitted within 3 months, but certificate sys at the time of application. This needs to be avoided.

3. Responses to TRAI Para wise Consultation Paper:

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.

- i. The definition of Application Services/ITES needs to be defined.
- ii. The OSP Guidelines do not provide distinction between voice and data traffic as far as the requirement to maintain CDR and UDR, respectively, is concerned. Hence lack of clarity.
- iii. While toll by pass may be required to be avoided for voice, the same is not necessary for data.
- iv. The definition of Application Services should allow an exception for captive services.

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.

Registration system be replaced by Intimation system.

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

The period of validity and extension be kept at 20 years.

- 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.**

The documentation needs to be minimum such as:

Company incorporation/partnership deed

Network diagram (which depicts the network configuration at the OSP centre and is certified by the TSPs providing telecom resources at the OSP centre).

Legal Power of attorney for signatures officer/digital signatures.

- 5. Do you agree with the fee of Rs. 1000/- for registration of each OSP centre. If not, please suggest suitable fee with justification.**

This is OK for registration or intimation.

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

Single registration/intimation for various locations of OSP.

- 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.**

Annual Returns without any revenue details to be on line.

- 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.**

Network diagram within 3 months of registration/intimation and only related to connecting to TSP. No segregation needed for OSP and Non OSP purposes. No separation for domestic and international OSP activities.

- 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.**

No need for each OSP centre to have independent internet connectivity. Centralised internet connectivity to be allowed irrespective of location.

- 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.**

Separate registration for Hotsite not required. Intimation is enough.

- 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.**

No need for restriction as part of the telecom framework in India. The tariffs are already down to worlds lowest levels. Most of communications are IP based on internet telephony is already allowed.

- 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.**

No restriction on the use of PSTN by International OSPs.

- 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.**

Compliance with terms and conditions can be ensured at all locations by examination of records such as CDRs, UDRs and System Logs by the relevant TSP. Physical inspection of EPABX is not relevant.

- 14. 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?**

Industries are contemplating use of existing OSP telecom resources for the new OSP centre, without any requirement to install new telecom resources. Hence new OSP centre should be permitted to use telecom resources of an existing OSP centre.

- 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.**

Compliance can be verified as it is done in the case of all users of telecom resources, by TSP.

- 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.**

No need for prescribing minimum 50 seats. Validity for sharing infrastrucure to be extended to the registration validity period, instead of three years. Sharing of infrastructure between International OSP and Domestic OSP be allowed.

- 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.**

Technical conditions for Option 1 and Option 2 need not be required to be complied. The OSP can implement the logical partitioning. This should be allowed.

- 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.**

No geographical limits should be imposed in case of the Centralised EPABX model.

- 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.**

NO

- 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.**

No

No justification in requiring the physical site of the EPABX to obtain an OSP registration.

- 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.**

No need for CCSP/ HCCSP to register or obtain for providing services to OSPs.

The PABX is owned and operated by the enterprise rather than the telecom service provider” which means that an EPABX provider is not engaged in a function of TSPs.

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

Can be verified by TSPs in existing ways.

- 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.**

Presently the use of CUG is permitted for internal communication and not for rendition of Application Services. This needs to be allowed.

- 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.**

NOT REQUIRED

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

Needs to be liberalised. The BG to be removed. No need for predetermined location. Internet based connectivity to be allowed to be used instead of only TSP VPN.

- 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.**

Yes should be allowed.

No distinction between Domestic OSP and International OSP
International OSPs to be allowed to provide Application Services within India.

- 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.**

Yes International OSPs should be permitted to use EPABX at a foreign location.

- 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.**

TSPs are primarily responsible. To that extent OK

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

Penalties needs reconsideration and based on actual negligence/shortcoming/its affect rather than simply a given number.

- 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

Interconnectivity between OSPs not belonging to the same entity or group companies of each other is to be allowed.

This will *inter alia* enable a scenario where an OSP can subcontract a part of the activities to another third party OSP, as mentioned by TRAI in its paper.

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

TSPs can take call As they take in case of other customers.

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.

No comments

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.

No need

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

- Explained above in beginning
- No need for attestation of documents. Already removed by NDA Government.
- Only online submission and no physical papers sub mission.

- The BGs to be returned within 30 days.

- Need for Cell/officer within DOT to answer/address the queries/interpretation matters

- Regular interaction between LSA and DOT TERM Cell to have uniformity in approach.