



TCL/RA/TRAI-CP-OSP/2019/5

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Mr. U.K. Srivastava,
Principal Advisor (NSL)
Telecom Regulatory Authority of India (TRAI),
Mahanagar Door Sanchar Bhawan,
J.L. Nehru Marg, (Old Minto Road)
New Delhi - 110002, India

Sub: TCL Response to TRAI Consultation Paper on Review of Terms and Conditions for registration of Other Service Providers (OSPs) dated March 29, 2019

Dear Sir,

Kindly find attached herewith Tata Communications Ltd. response on the TRAI Consultation Paper dated March 29, 2019 on "Review of Terms and Conditions for registration of Other Service Providers (OSPs)".

It is requested that the same may kindly be taken on record.

With kind regards,
For Tata Communications Ltd.

(Praveen Sharma)
Authorized Signatory

Encl: a/a.

TATA COMMUNICATIONS

TATA Communications Limited

VSB Bangla Sahib Road New Delhi 110 001 India
Tel 91 11 6650 1111 6650 1234 Fax 91 11 6650 1121
Regd Office VSB, Mahatma Gandhi Road, Fort, Mumbai 400 001 India

**Tata Communications Limited response to the TRAI
Consultation Paper on “Review of Terms and Conditions
for registration of Other Service Providers (OSPs)” dated
March 29, 2019**

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.

TCL Response:

At the very outset we welcome the initiative taken by DoT and TRAI to review the terms and conditions of the registration of OSPs, keeping in view the vast changes in technology and evolution of different network architecture and solutions for setting up the OSP network and the resultant new user applications and service delivery scenarios. It is to note that the objective of this exercise is to devise a technology-neutral framework, so as to promote innovations for setting up the OSP service delivery platforms in the most cost-efficient manner for the faster promotion of OSPs in the country.

The current definition of “Application Services” as mentioned in the OSP guidelines dated August 5, 2008, is: “Applications Services’ means providing services like telebanking, telemedicine, tele-education, tele-trading, e-commerce, call centre, network operation centre and other IT Enabled Services, by using Telecom Resources provided by Authorized Telecom Service Providers.”

The above definition of Application Services in the context of OSP is very broad especially by referring to ‘other IT enabled services’. This definition does not help in determining the applicability of OSP guidelines. In fact, going by this definition, every single activity related to IT or ITES would require an OSP registration. Such a broad definition leads to difficulties, both in compliance as well as enforcement. This needs to be corrected and the definition needs to be made specific. Given the specific context of OSP, the definition should clearly identify services which require OSP registration and which do not.

With reference to the definition of Telecom Resources, it is necessary to make due modifications in order to remove difficulties faced by telcos and OSPs and enabling OSPs or its customers to place order for Telecom Resources on authorized telecom service provider for delivery of telecom resources between the premises of the OSP and the customer of OSP. Presently, there are issues raised by the TERM Cells on OSPs where the OSP receives the services while the order is placed by the customer of OSP.

Captive services (providing services to own company or group company (like Payroll, Accounting, IT support or other helpdesk services) may be kept outside the domain of OSP registration requirement.

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.

TCL Response:

It may be noted that the activities of OSPs are not covered under Section 4 of the Indian Telegraph Act and therefore, rightly so, does not require any license. However, due to the fact that the special enabling provision was made for allowing call centers to carry PSTN/PLMN calls over private network to the OSP centre agent location for their business purposes in order to promote the BPO industry in India, the information in respect of operational OSP centers was required to be kept. Thus, there was a need to keep statistical information in respect of OSP centers operating in India as also to prevent any unauthorized toll bypass happening on the pretext of operating a call center.

It is to be noted that the registration framework for OSPs has become increasingly burdensome with additional compliance and enforcement requirements.

Whilst maintaining that there is no infringement into the licensed Telecom Service Provider (TSP) jurisdiction, there is a case to simplify and ease the registration process/regulatory framework.

For example, the current registration process requiring companies to fill up information online and hard copy with a host of documentation / to be filed every time there is a change in bandwidth or change in address needs to be replaced with an end-to-end online platform, with a time bound automatic approval process.

The Guidelines should facilitate the adoption of new age technologies and modes of connectivity, with suitable safeguards to ensure security compliance as also no overlapping into TSP jurisdiction.

Further, OSP guidelines should provide complete clarity to the registrants on the regulatory requirements (with clear do's and don'ts in simple language), so as to ensure better compliance by the OSPs. Registration by an OSP should be taken as an undertaking to comply with the guidelines.

The guidelines should not be unduly burdensome and should be made fit for purpose. The principles and objectives for requiring a registration must be kept in mind, whilst reviewing the OSP guidelines. The main purpose of this exercise should be to achieve the objective of the national digital communication policy 2018 which in its para 2.1 (c)(iv) states that the terms and conditions for OSPs are required to be improved including definitions, compliance requirements and restrictions on interconnectivity in order to achieve the larger goal of simplifying the compliance obligations.

It is important however to have centralized offices to provide OSP registrations, instead of existing process of local TERM offices / LSA units granting OSP registration. It will enable the uniform interpretation and application of OSP T & C s. The Registrations should be issued online and with committed TAT (Turn Around Time). The Authority may also consider automatic provisional registration immediately on completion of online application by the

applicant. OSPs having obtained such provisional registration should be permitted to commence their OSP operations without waiting for the registration certificate.

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

TCL Response:

Existing validity period of 20 Years and renewal thereafter for 10 years, is adequate.

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.

TCL Response:

It is suggested that the procedure should be simplified with minimum documentation with an end-to-end online and time bound approval process. This is especially important, keeping in mind that most players are likely to be small and medium enterprises and should be incentivized to enter and compete in the market. We suggest that the following documents should be sufficient for registration process:

- Name of the company
- CIN Number issued by ROC (with a copy of the same)
- Registered Office Address and Contact Numbers / Email
- Address of the office proposed for conducting OSP activities
- A note on the activities
- Indicate whether the service will be provided to a domestic or international client
- Nature of telecom resources taken with the name of the service provider
- Network Diagram
- Processing fee

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

TCL Response:

No comments.

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

TCL Response:

Existing procedure to have each center location registered separately results in having increased registrations without serving any benefits. Hence for Multiple OSP centers of same

entity within the same campus should require single OSP registrations, so long as type of their operations are identical (such as Domestic or International). Hence current procedure should be modified to same entity having one or multiple centers with the same campus should require single OSP registration. Domestic OSP and International OSPs in same campus to be separately registered.

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

TCL Response:

The existing provisions for determination of dormant OSPs is on the basis of OSPs not submitting an Annual Return. Further, the updated list of dormant/active OSPs is not maintained on DOT website. Secondly, the Annual Return is required to be submitted physically. In case the Annual Return submission process is made online, the list of dormant OSPs would automatically get populated.

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.

TCL Response:

In view of security requirements, it is proposed to leverage on the TSP's role and obligations, therefore existing mandate for OSP to seek all telecom resources from authorized TSPs only is important. It is also important to continue with TSPs attestation for the network diagram submitted for OSP registrations and there should not be any deviation.

The regional TERM cells should play a role in educating the OSPs about their obligations in respect of compliance to the respective Guidelines.

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.

TCL Response:

The present provision may be continued which mandates an OSP to take internet connectivity from authorized TSP and are permitted to use IP addresses that are registered in the name of Indian Entity.

There should be a specific provision in the OSP T&Cs to enable multiple OSPs to have internet connectivity at a centralized location instead of them taking local internet breakout at each location. This helps the OSPs to be in better control with policies/ internet usage and the bandwidth can be redistributed over Leased Line. Additionally, for BCP/redundancy or disaster recovery purposes, OSPs should be permitted to use proxies of its parent located in any other location including overseas for a limited period say 30 days till the network is up and running. This recommendation is for disaster recovery purposes only.

Q.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

TCL Response:

Cost of having disaster management plan is significant. Provisions for prior declaration of applications node/ network for hot sites is necessary. However, with advancement of technologies, technical solutions with DC/ DR architecture having real time synchronization of each call state for seamless failover is available for BCP of OSPs. In view of such solutions intimation of usage of hot sites, intimation of usage of additional agents at other OSPs etc. need to be relaxed and OSP s should be allowed to benefit from technologies to confirm such Service levels to their end customers.

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

TCL Response:

We agree with the existing provisions.

If the event of a Domestic OSP receiving calls on its India PSTN number from abroad as an ILD inbound call the TERM cell should not insist for International OSP registration in such a case.

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.

TCL Response:

We agree with the present provisions and suggest that these be continued.

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.

TCL Response:

As correctly mentioned, onsite deployment of PABX is obsolete in the current technological advancement with rapid adaptation of hosted deployment. In view of same and considering the fact that due to various reasons like cost, effective utilization of infrastructure has led many OSPs to have OSP centre and other resources at different location but the following requirements can make any OSP to comply with the terms and conditions including security compliance relating to OSP:

- a. Details of calls – CDRs etc. which will be available at the data centers hosting the PABX applications and these CDRs can be remotely accessed from OSP locations and provided to authorities.
- b. Logs of configurations for users, extensions – Data shall be available at the data centres hosting the PABX applications.
- c. Intended call trace – It will be possible to trace call with CDRs available in hosted PABX and TSP network , since every call received or made from OSP network will necessarily be carried on TSPs provided telecom resources.
- d. Physical inspection of network – It will have to be done at OSP site for local network, and at Data Center where the applications are hosted.

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?

TCL Response:

OSP s are operating in high competition with very thin business margins and therefore cost impact becomes very important in their business. Extended OSP centers are very often required by the OSPs with growth opportunities. Hence, OSP registrations for the OSPs in the same building or same campus must be allowed to operate with same OSP registration, with amendment for network, agents , address details. Any additional telecom resource taken at extended site should be from same TSP.

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.

TCL Response :

With respect to security compliance, all the calls shall use TSP provided telecom resources only which are already under security compliance from TSP. Considering OSP is a user for Telecom services provided by TSP, security compliance should be limited to Service Provider and not end user from confidentiality perspective.

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.

TCL Response :

The conditions relating to sharing of infrastructure between domestic OSP and international OSP are required and should continue. These conditions should be the responsibility of OSP only as TSP will not have visibility of such infrastructure sharing.

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.

TCL Response :

The essence of having technical conditions under option 1& 2 is to ensure that there is no bypass of the network of authorized TSPs, in case of NLD / ILD calls are made or received by OSPs. Therefore, there needs to be provisions that elaborate these requirements alone, so that OSPs shall be allowed to benefit from the multitenant applications prevalent these days and not have dedicated setups for each OSP function. There is no need of two separate options which can be merged into one with required clarification given in terms and conditions. Having requirement of a Bank Guarantee and allowing sharing of OSP infrastructure, resources / agent positions and network components ensuring segregation of domestic and international traffic is adequate.

Submission of vendor certificate on capability to have logical partitioning is not relevant , as system configuration shall confirm to compliance required towards logical partitioning / desired segregation.

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.

TCL Response :

In case of distributed network of OSP, only the configurations provisioning, database and routing logic is central, however the call bearer is maintained at the OSP location where gateway is deployed. It doesn't exit the OSP location. The geographical limit should be country for Domestic OSP.

In case of international OSP, multiple OSP centers of same entity should also be allowed to have distributed architecture with central PABX mandatorily deployed in India with its centers sharing Central PABX, spread across Country.

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.

TCL Response :

Logical partitioning of OSP network and EPABX for segregation of Domestic and international traffic is relevant to ensure that jurisdiction of NLDO & ILDO is not bypassed. In case of distributed EPABX with central application and distributed gateways at OSP locations of same entity, logical separation is not relevant as OSPs are allowed to interconnect other centers of same entity and it adds to the complexities from O&M, Business and regulation enforcement standpoint. It will also have risk of different interpretations leading to lack of clarity for OSP's

customers. OSP should only have obligation for segregation of traffic for Domestic and International OSPs.

Additionally, it should be clarified that the OSP having various agent locations across the country can aggregate the calls at either of the OSP locations or at the hosted PBX/platform location and distribute the calls amongst various OSP locations.

Q20. Do you agree with the monitoring provisions mentioned in the OSP guidelines for distributed architecture of EPABX? If not, please suggest suitable changes with justification.

TCL Response :

Security monitoring conditions are required and relevant, however location of security audit can be OSP location with access to other hosted applications through remote control from OSP locations.

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.

TCL Response :

The CCSP / HCCSP are required to provide infrastructure for the domestic / international OSPs to enable their business with optimized resources & costs. Also CCSP / HCCSP gives better control to the regulator as such CCSP / HCCSP can be made responsible for compliances in respect of their OSP customers. The CCSP / HCCSP may be brought under OSP registration with as a separate category of OSP viz CCSP/HCCSP or platform as a service provider and separate set of terms and conditions to be followed by such CCSP/HCCSP. It is proposed to have separate category as CCSP/HCCSP OSP which could serve domestic and international OSP customers from their setup established in India. In this scenario, OSPs shall continue to take resources from authorized TSPs, hence there is no infringement of scope of service of authorized TSPs.

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

TCL Response :

Presently the network solutions are next generation that makes requirement of data and voice path segregation less relevant. Hence it is required to relax these T&Cs.

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.

TCL Response :

We agree.

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.

TCL Response :

We agree.

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

TCL Response :

Work from home is need of business these days and vastly adapted as practice internationally. It is necessary to provide support for WFH agents, with due consideration of security measures. The requirement of Bank Guarantee be waived for better proliferation of WFH .In the absence of same OSPs are losing such business opportunities.

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.

TCL Response :

Yes domestic operations by International OSPs for serving their customers in India should be allowed. The scope of authorized TSP is not likely to be infringed since the outbound call from Indian customers will be made through ITFS numbers provided by authorized ILDOs. Similarly the incoming calls to the India customers would get originated from a foreign PSTN number and would terminate into India as a normal ILD incoming call. Hence no additional conditions would be required.

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.

TCL Response :

EPABX / Hosted EPABX at foreign locations in case of international OSPs will have challenge in having access to equipment during audit. Hence, access to such remote EPABX from OSP site, copy of configurations and compliance to conditions stated in OSP guidelines for segregation of traffic CUG/ PSTN/ PLMN be ensured.

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.

TCL Response :

Yes, security aspects are important and need to have provisions as listed.

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

TCL Response :

Any penalty imposition needs to be specific and graded to a specific amount and also after giving due opportunity to explain. This is in consonance to the recommendations dated 25-11-2017 issued by the Authority on "Ease of doing telecom business" wherein the Hon'ble Authority has recommended that:

- 2.66 *The Authority had recommended that before deciding the imposition of any penalty, proper opportunity should be given to Licensee to present its case. The Authority also recommended the guiding principles for categorizing a violation as minor or major in its recommendations dated 16th April 2012.*
- 2.67 *Further, in its back reference dated 2nd May 2012, DoT mentioned that it was also separately looking into setting up criteria for imposition of penalty and that penalty imposition principles given by TRAI would be kept in mind while finalizing the criteria. But, so far, DoT has not forwarded any report in this regard. The Authority is of the view that DoT should devise a suitable matrix, linking the penalty to the severity of the incident and recurrence of the violation for imposition of financial penalties.*
- 2.68 *In view of the above, the Authority recommends that DoT should devise a suitable matrix, linking the penalty to the severity of the incident and recurrence of the violation for imposition of financial penalties.*

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.

TCL Response :

Yes, OSP to OSP interconnectivity (not belonging to same company/ LLP/ group of companies) providing service to same customer should be allowed. Now-a-days a business entity outsources their various customer support processes to multiple third party OSPs for various reasons including required skilled resources available in different OSP entities, redundancy requirements, geographical resiliency, etc. from business need perspective. Hence, it is required to allow OSP to OSP interconnection between OSP of same and / or different entity, supporting business process of same customer. Interconnection should be allowed only amongst the same class of OSPs (domestic-domestic or international-international).

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

TCL Response :

Presently the OSPs of same entity or group are permitted to be interconnected irrespective of which customer they are serving. In the new proposal, multiple OSPs even though belonging to different entities are requested to be permitted to be interconnected provided they are serving the same customer. In this case, like at present, there is no likelihood of infringement upon the scope of licensed TSPs .

The proposed safeguards could be:

1. The customer of the OSP(s) should get a master network diagram duly attested by respective TSPs along with individual OSP site network diagrams for all OSP sites. Such master and individual network diagrams should be submitted by respective OSPs with relevant TERM cells.
2. Obligations in OSP guidelines for retention of data as per provisions to be complied by each OSP.
3. Access to equipment during audit to be provided by the OSP being inspected.

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.

TCL Response :

Yes, we agree with the miscellaneous provisions mentioned in chapter VI of the OSP guidelines.

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.

TCL Response :

OSP requiring to have Telemarketing registrations if such OSP intends to make telemarketing calls and comply with TCCCPR 2018 should be sufficient and no further conditions may be required in OSP terms and conditions.

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

TCL Response :

No other comments.