

Respected Shri R.S Sharmaji,

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

The responses to questions are given below please:-

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.

- a. OSP registration should be limited to activities which involve voice calls/connectivity to public network using telecom resources obtained from authorised telecom providers.
- b. Captive use by an entity for its own customers within the country should not come under the purview of the requirement for an OSP registration.

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.

- a. Assocham believes that there is a need to continue with the registration of OSPs as defined above to meet the objectives enunciated by the DoT, which include ensuring that there is no infringement by an OSP into the licensed jurisdiction of the TSPs.
- b. The DoT should lay down a clear list of do's and don't's so as to ensure better compliance and enforcement.

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

- a. We believe that the present provision, viz. 20 years validity and renewal for 10 years may be continued with.

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.

- a. We believe that the documents listed by the Authority are adequate to meet the information requirements for OSP registration and may be continued with.
- b. We however, would like to recommend that the Network diagram should be self-attested by OSPs and the TSPs, whose role is limited to providing telecom resources, should not be required to approve the network diagram.

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

- a. The present fee for registration may be continued with.
- b. However registrations should be a one time fee and not be required to be paid separately for each OSP center
- c. The process of registration should be made online

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

- a. Yes, the existing procedure should continue, however it should be made online.

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.

- a. Yes, the existing provisions can be continued.
- b. The list of dormant / terminated OSP registrations should be available on the DoT website.

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.

- a. The network diagram of OSPs should not be required to be approved by the TSPs. The role of the TSPs is limited to providing the telecom resources to the OSPs..
- b. The network diagram should be self-attested by OSP based on clear do's and don'ts guidelines laid down by the DoT.
- c. The diagram should be approved by TERM Cells as it is the responsibility of the registering authority to ensure that the purposes of the registration, i.e. no infringement on TSP jurisdiction, are being met by the OSPs whilst carrying out their activities.

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.

- a. The present provisions of internet connectivity may be continued with.
- b. The requirement of OSPs to have internet connectivity at a centralized location with further distribution to its other locations, may be allowed as this in better control and use of resources.

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.

- a. The present provisions related to Hot Sites for disaster management may be continued with.

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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.

- a. The provisions of logical separation of PSTN and PLMN network resources with that of leased line/VPN resources for domestic OSP should be continued with.
- b. Compliance with the guidelines and the do's and don'ts laid down by DoT should be the responsibility of the OSP.

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.

- a. The present provisions may be continued with.

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.

- a. With the evolution of technology, the entire hardware has now been replaced by Servers/ software which is deployed by the OSPs in the data centres, access to which is always available to the OSP remotely. Thus compliance can now be assessed through checking the routing table, logical partitioning, command logs etc. and physical inspection may not be of much relevance.
- b. The audit procedure would need to be modified accordingly.

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?

- a. Yes, this should be allowed.
- b. The geographical limit may be within the same telecom circle

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.

- a. Clear guidelines should be laid down by DoT in this regard.
- b. This may be done in consultation with stakeholders

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.

- a. The present provisions may be continued with
- b. Additionally, cloud based OSP infrastructure deployment within India should be allowed.

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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.

- a. Any review should ensure that there is no bypass of network of authorized TSP. There should be no dilution of this requirement whilst reviewing the technical conditions.

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.

- a. The geographical limit should be within the country as OSPs are required to obtain telecom resources from authorized TSPs licensed in India.

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.

The present provisions may be reviewed however it needs to be ensured that there is no infringement into jurisdiction of licensed TSPs.

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.

- a. The importance of security monitoring is paramount. The OSPs should be responsible for ensuring compliance with all the terms and conditions including security conditions as defined in the OSP guidelines

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.

- a. Provision of CCSP/ HCCSP solutions to OSP should be permitted to authorized TSP/ISP/NLD/ILD licensees only.
b. Compliance should lie with the OSP only

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

- a. The interconnection of data and voice path for domestic operations should not be allowed as it may result in bypass of network of authorised TSP.

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.

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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.

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

- a. Yes, we agree with the existing provisions and the same may be continued with.

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.

- a. Domestic operations by International OSPs for serving their customers in India should not be allowed as there can be security implications.

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.

- a. Use of EPABX at foreign location in case of International OSP should not be allowed as there will be no means to undertake inspection of the EPABX at the foreign end.

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.

- a. Yes, we agree with the existing security conditions and suggest that these may be continued with

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

- a. We believe that any provisions with regard to penalty should be graded and proportionate – having a nexus with severity of the violation.



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- b. Further principles of natural justice require that a hearing should be granted so that the OSP has an opportunity to present his case before any final decision is taken on the imposition of 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.

- a. This may be allowed subject to suitable safeguards that ensure no bypass of network of authorised TSP; compliance of the same should be the responsibility of the OSP

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

- a. There should be clear rights and responsibilities laid down for the interconnecting OSPs.

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.

- a. Yes, the present miscellaneous provisions may be continued.

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.

- a. Compliance to TCCCPR 2018 should be incorporated into the OSP guidelines and also in the do's and don'ts laid down by DoT.
b. Failure to comply will attract the same consequences as are laid out in the Regulation

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

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We look forward to your continued guidance and support for further growth of the Industry.

With regards,

Yours sincerely,



(Saurabh Sanyal)

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