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Ref No: RP/ FY 19 - 20/ 062/ 628

Dated: May 20, 2019

**To,**

**Shri U. K. Srivastava,**

**Principal Advisor (NSL),**

Telecom Regulatory Authority of India,

Mahanagar Door Sanchar Bhawan,

Jawahar Lal Nehru Marg, Old Minto Road,

New Delhi – 110002

**Subject: Consultation Paper on “Review of Terms and Conditions for registration of Other Service Providers (OSPs).”**

Dear Sir,

This is with reference to your above mentioned consultation paper. In this regard, please find enclosed our response for your kind consideration.

Thanking You,

Yours' Sincerely

For **Bharti Airtel Limited**

A handwritten signature in blue ink, appearing to read 'Ravi P. Gandhi', with a horizontal line underneath.

**Ravi P. Gandhi**

**Chief Regulatory Officer**

**Encl: a.a.**

**Bharti Airtel's Response to TRAI's Consultation Paper on Review of Terms and Conditions for registration of Other Service Providers (OSPs)**

At the outset, we thank TRAI for initiating this consultation on "Review of Terms and Conditions for registration of Other Service Providers (OSPs)." The OSP guidelines have evolved over time from the year 2000 to till date whereby registration of OSPs have got decentralized, mandating digital payment of fees, revision in terms and conditions of OSPs etc.

It is important to state that the registration of OSP is not a license for provisioning of any telecommunication services. It is a registration for providing other services to end users by utilizing telecommunication services of licensed TSPs. In no case, any OSP is allowed to provide or resell any telecommunication services which are allowed under TSP's license. The objective of OSP registration is majorly for the purpose of record and to ensure that leased lines or other telecom resources are not used for toll by-pass, as this would result in to a revenue loss to the Government and TSPs. The OSP guidelines should therefore continue to ensure that;

- OSP does not become the provider of Telecommunication services in any manner;
- OSP should not be carrying-out reselling of any telecommunication services which is allowed under the License of TSPs;
- OSP's platform or systems does not result in toll bypass by the way of conversion of higher cost calls to lower cost call through manual or automated system for direct or indirect switching /conference in india or outside India; and
- OSP should not cause any bypass of security setup, lawful interception system and the compliance to the OSP guidelines including security conditions needs to be strengthened.

It is also relevant to mention that with PSTN connectivity being facilitated on IP technology and hardware boxes being replaced by servers and software, the compliance to the OSP guidelines including security conditions needs to be strengthened.

In this context, please find below our detailed submission on the issues raised in the consultation paper.

**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.**

**Bharti Airtel's Response:**

The present definition of Application Service in the context of OSP is reproduced below:

*"Applications Services means providing services like tele-banking, telemedicine, tele-education, tele-trading, e-commerce, call centre, network operation center and other IT Enabled Services by using Telecom Resources provided by authorized telecom service providers."*

We believe that the definition given in DoT's guidelines is good enough to capture all possible scenarios of application services. It is further submitted that any services offered using internet and which does not involve calls should be kept out of the definition of Applications services in context of OSP. Thereby, implying that only call based services should be kept under the definition of Application services.

**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.**

**Bharti Airtel's Response:**

In our views, registration of OSP should be continued, as it is required to meet the objectives defined by the Government, which inter-alia include:

- Statistical Information;
- Ensuring that the OSP activities do not infringe upon the jurisdiction of other service providers; and
- Providing special dispensation to boost the BPO sector.

It is further submitted that with the proliferation of internet, the application of OSPs be made completely online and the updated list of active and dormant OSPs be made available on the DoT website.

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

**Bharti Airtel's Response:**

As per the present policy, the validity of registration of OSPs is 20 years from the date of issue and the same may be extended by 10 years at one time, upon request of the OSP.

We believe that the validity of OSP and as also, the validity period of renewal of OSP registration is sufficiently long and the same may be continued.

**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.**

**Bharti Airtel's Response:**

The present list of documents is adequate to meet the information requirements for OSP registration, except 'Memorandum & Article of Association' which can be done away with. However, it is recommended that registration process should be made completely online.

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

**Bharti Airtel's Response:**

The present fee of Rs. 1000/- for registration of each OSP center is fine and shall be continued with.

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

**Bharti Airtel's Response:**

While, the existing procedure of OSP registration for single/ multiple OSP centres is fine. However, for further ease in business without impacting the overall compliance, the following is proposed:

- A single OSP registration may be issued in case the various locations are operating as one unit and for same application services.
- A different OSP registration may be required, in case; the different locations are catering to different businesses/ application services.
- In any case, the change in locations of the OSP should be duly intimated by the OSP to the concerned LSA unit and should also be duly updated on the website proposed to be maintained by DoT.
- Similarly, with regards to Work from Home, a single OSP registration may be issued with mentioned details for agents/extended agents provided they all are within India. As for Work from Home, addition/changes to extended agents will be dynamic; there should not be any requirement for providing complete set of documents even after one year.

**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.**

**Bharti Airtel's Response:**

We agree with the present process of determination of dormant OSPs i.e. those OSPs who are not submitting the annual return for consecutive three years are put in the dormant list and their registration is cancelled after keeping them for two years in the dormant list.

While, there is a provision for keeping the list of dormant OSPs on DoT's website, however, the same is not available. It is recommended that the updated list of active as well as dormant OSPs be made 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.**

**Bharti Airtel's Response:**

The entity intending to apply for an OSP registration has its own setup and business objectives. The network diagram is designed by an OSP to meet its business needs and should be complying of OSP guidelines as laid down by DoT. In such a scenario, the role of TSP is limited to provision of telecom connectivity/ services as may be desired the OSP once a registration has been obtained. Further, when the entity intends to start its operations, it may/ may not finalize its TSP.

Considering above, the requirement to get the Network Diagram approved by the TSP while applying of OSP registration when the operations/ connectivity has yet not been established is erroneous and may be dispensed of with.

It is, therefore, recommended that an **OSP should submit self-attested network diagram** while applying for OSP registration. Once, the OSP registration along with network diagram gets an approval from the respective LSA unit, then the same can be implemented by TSP by providing required telecom resources/ connectivity.

**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.**

**Bharti Airtel's Response:**

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

With regards the requirement of OSPs to have internet connectivity at a centralized location and then further distribution of such internet connectivity to its other locations, it is submitted that the OSPs are not authorized to distribute internet connectivity to any other location. Therefore, OSPs have to obtain internet access service at each location from Licensed ISPs/ Access Service Providers only.

**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.**

**Bharti Airtel's Response:**

We agree with the present norm of Hot Sites for disaster management which permits to connect to the dedicated servers provided at the registered 'Hot Sites'. As 'Hot Site' is to be activated on emergency & urgent basis, the prior due intimation to the DOT should not be mandatory. Periodic reporting like once in a quarter or year, may cover information with regards to what date & period 'Hot Site' was used.

**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.**

**Bharti Airtel's Reponse:**

OSPs are the end users of telecom services. The interconnectivity between various centers for the purpose of recovery, work from home, date sharing etc. should be permitted. In this context, we 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.

It is further submitted that OSP guidelines should ensure that in no case OSP setup could be used for toll bypass i.e. conversion of one type of calls to other calls like local call to ILD call and for converting the domestic toll free to ITFS and vice-a-versa.

**Q12. Do you agree with the provlsons of PSTN connectivity/ Interconnection of International OSP mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.**

**Bharti Airtel's Response:**

In our views, ISD rates have come down and therefore, International OSPs should be allowed to use PSTN for outgoing or incoming calls instead of relying on lease lines only.

**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.**

**Bharti Airtel's Response:**

OSP needs cheaper tariffs for competitive offering, therefore through registration they were able to get telecom resources from TSPs for selling of their services. Now with the change in market from voice centric to data centric and reduction in tariffs, there is a need to reduce the regulations in OSP registration. However, OSP registration should ensure that OSPs should not be allowed to install any platform which may result in making an arrangement for toll bypass.

In todays' scenario, the entire hardware has been replaced by Servers/ software which are deployed in the data centres. However, the access to such resources is always available to the OSP remotely at their OSP location. All routing configurations and logical partitioning are being managed using software and associated commands.

In such a scenario, the compliance to the terms and conditions of OSPs has to be ascertained by inspecting the routing table, logical portioning, command logs etc. The physical inspection at the data centre site may of little help and accordingly, inspection procedure may be modified to have inspection at OSP site with full access to all the servers/ nodes at the OSP location itself, while inspection is being carried out by the LSA units.



**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?  
&**

**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.**

**Bharti Airtel's Response:**

In our views, extended OSP of existing registered OSP should be allowed without any additional telecom resources. Geographical limitation for the extended OSP center, should be within India.

As indicated in response to Q13, OSPs should not be allowed to install any platform which may result in toll bypass.

**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.  
&**

**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.**

**Bharti Airtel's Response:**

We are in full agreement with the provisions of general conditions as well as technical conditions under Option 1 & 2 for sharing of infrastructure between International OSP and Domestic OSP as mentioned in the OSP guidelines.

**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.  
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**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.  
&**

**Q20. 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.**

**Bharti Airtel's Reponse:**

In case of distributed architecture deployed by OSPs, the geographical boundaries of India may be defined as the limit for deployment of any equipment/ network. This will ensure data localization as well as access of all data within the country itself. The OSP guidelines should continue to ensure that there is no toll bypass and/or no conversion of domestic calls to international calls, toll or toll free. Further, the OSP should be mandated to adhere to 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.**

**Bharti Airtel's Response:**

First and foremost, OSP is not a service provider. They are only end users of telecommunication services. In this reference, we would like to refer to scope of different authorization under unified license as mentioned below:

**1. Access Service**

*2. Scope of Access Service: Scope of this authorization covers the following:*

*2.1(a)(i) The Access Service under this authorization covers collection, carriage, transmission and delivery of voice and/or non-voice MESSAGES over Licensee's network in the designated Service Area. The Licensee can also provide Internet Telephony, Internet Services including IPTV, Broadband Services and triple play i.e voice, video and data. While providing Internet Telephony service, the Licensee may interconnect Internet Telephony network with PSTN/PLMN/GMPCS network. The Licensee may provide access service, which could be on wireline and / or wireless media with full mobility, limited mobility and fixed wireless access.*

**Note:** The scope under Access Service allows provision of all access services including voice, video, data on wireline and / or wireless media with full mobility, limited mobility and fixed wireless access.

**2. Internet Service:**

*2. Scope of Internet Service: Scope of this Authorization covers the following:*

*2.1 (i) The Licensee may provide Internet access including IPTV. The subscriber shall have unrestricted access to all the content available on Internet except for such content which is restricted by the Licensor/designated authority under Law. The Licensee shall not offer VPN/Closed User Group services to its subscribers. The content for IPTV shall be regulated as per law in force from time to time.*

*(ii) The Licensee may provide Internet Telephony through Public Internet by the use of Personal Computers (PC) or IP based Customer Premises Equipment (CPE) connecting only the following:*



- a) PC to PC; within or outside India
- b) PC / a device / Adapter conforming to TEC or International Standard in India to PSTN/PLMN abroad.
- c) Any device / Adapter conforming to TEC or International Standard connected to ISP node with static IP address to similar device / Adapter; within or outside India.

*Explanation: Internet Telephony is a different service in its scope, nature and kind from real time voice service as offered by other licensees like Basic Service Licensees, Cellular Mobile Telephone Service (CMTS) Licensees, Unified Access Service (UAS) Licensees, Unified Licensee (Access Service), Unified Licensee with authorization for access services.*

**Note:** The scope under Internet Service allows provision of Internet services and restricted Internet Telephony services.

### 3. National Long Distance Service:

*2. Scope of the NLD Service: Scope of this Authorization covers the following:*

*2.1 (a) The NLD Service Licensee shall have the right to carry inter-circle switched bearer telecommunication traffic over its national long distance network. The Licensee may also carry intra-circle switched traffic where such carriage is with mutual agreement with originating access service provider.*

*(b) The Licensee can also, in respect of Basic Service, make mutually agreed arrangements with the concerned Service Providers for picking up, carriage and delivery of the traffic from different legs between Long Distance Charging Center (LDCC) and Short Distance Charging Centers (SDCCs).*

*(c) In the case of Cellular Mobile Telephone Service traffic, the inter-circle traffic shall be handed/taken over at the Point of Presence (POP) situated in LDCA at the location of Level I TAX in originating/terminating service area. For West Bengal, Himachal Pradesh and Jammu & Kashmir such locations shall be Asansol, Shimla & Jammu respectively.*

*(d) The Licensee can provide Leased Circuit / Virtual Private Network (VPN) Services.*

*(e) Further, only for provision of Leased Circuits/Close User Groups (CUGs) on leased circuits and for provision of national long distance voice service through Calling Cards, falling within the scope of, and, in accordance with clauses 2.1 (a) and 2.1(b) above, the Licensee can access the subscribers directly. While providing the domestic leased circuits, the Licensee shall be required to make own suitable arrangements for leased circuits /agreements with the Access Providers for last mile. Public network is not to be connected with leased circuits/CUGs.*

**Note:** The scope under National Long distance is limited to carrying inter and intra circle calls for other TSPs and provision of bandwidth and National Calling cards to the customers

### 4. International Long Distance:

*2. Scope of ILD Service: Scope of this Authorization covers the following:*

2.1 The ILD Service Licensee shall have the right to carry switched bearer telecommunication traffic over international long distance network for providing International connectivity to the Network operated by foreign carriers.

2.2 The Licensee shall have full flexibility to offer all types of bearer services. The Licensee will provide bearer services so that end-to-end tele-services such as voice, data, fax, video, multi-media etc. can be provided by Access Providers to the customers.

2.3 The Licensee may offer international bandwidth on lease to other eligible licensees who are permitted to have international connectivity under their license. The Licensee shall not access the subscribers directly, except for provision of International Private Leased Circuits/CUG network. The domestic leg of the IPLC shall be through NLD service provider or Access Service Provider or both as the case may be for which the Licensee may enter into an arrangement with them. Public network is not to be connected with leased circuits/CUGs.

2.4(i) The Licensee may provide international bandwidth on lease to Resellers who are issued license for 'Resale of IPLC' under Section 4 of Indian Telegraph Act, 1885.

2.4(ii) The Licensee may share "passive" infrastructure namely building, tower, dark fiber, duct space, Right of Way owned, established and operated by it under the scope of this Authorization with other Licensees.

2.5(i) Further, the Licensee may also access the subscribers directly for provision of international long distance voice service only through calling cards.

(ii) The charges and sharing of revenues for the service features, network architecture and resources used for providing ILD voice services through calling cards shall be such as are mutually agreed between the service providers within the framework of and in accordance with regulations/directions/orders/ instructions that may be issued from time to time by TRAI/Licensor.

(iii) The licensee shall clearly indicate to the subscriber the specifications of the service to be offered through Calling Cards at the time of entering into contract with such subscriber.

2.6 The Licensee may establish Cable Landing Station (CLS) for submarine cable with prior permission of Licensor for which a separate application is to be submitted in the prescribed proforma. Access/ Co-location at the CLS shall be governed by the orders/regulations/directions issued by Licensor/ TRAI from time to time.

**Note:** The scope under International Long distance is limited to carrying international calls for other TSPs, setting up of cable landing station, provision of internet bandwidth and International Calling cards to the customers

As is evident from the scope defined under the license, no other licensee other than an Access Service Provider can offer CCSP/ HCCSP services to the OSPs. Hence, provision of CCSP/ HCCSP solutions to OSP shall only be done by an Access Service Licensee.

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

**Bharti Airtel's Response:**

In order to ensure the separation of data and voice path, the OSP deploys the logical partitioning. In today's scenario, wherein even the Voice traffic is being carried on IP and the physical hardware is replaced with servers & software, the compliance to these guidelines should be the responsibility of the OSP. We recommend the periodic check by LSA TERM Cells for ensuring the compliance of terms and conditions under OSP registration.

It is also recommended that the security compliance as well as penal clauses for OSP for non-compliance to guidelines may be incorporated suitably in OSP guidelines which acts as a deterrence and result in compliance by the OSPs.

**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.**

**&**

**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.**

**Bharti Airtel's Response:**

The provisions for use of CUG for internal communications of OSP as mentioned in the OSP guidelines are fine and may be continued with.

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

**Bharti Airtel's Response:**

We agree with the provision of submitting the complete details for extended agent positions for obtaining the permission for work from home.

Extended agent's geography should be within India. One OSP license should be required for all extended agents covered by same Application Services of the Customer. As for Work from Home, addition/changes to extended agents will be dynamic, there should not be any requirement for providing complete set of documents even after one year.

**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.**

**Bharti Airtel's Response:**

OSP registration is not a license for provisioning of any telecommunication services. It is only a registration for providing other services to end users by utilizing telecommunication services of licensed TSPs. In no case, any OSP is allowed to provide or resell telecommunication services or

infringe upon the domain of Licensed Service Provider. Hence, the operations by OSP in any manner cannot result in revenue loss to the Government and TSPs, which can be by way of reselling of telecom services, toll bypass, conversion of domestic calls to ILD calls etc.

Further, as per the current licensing guidelines domestic traffic should not be hauled/ routed to any place outside India. In view of same, we are of the view that domestic operations by International OSPs for serving their customers in India may not be allowed. Such dispensation may also have security implications which also need to be duly considered keeping in view the fact that such origination & termination of calls may not be entirely traceable despite both being in India.

**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.**

**Bharti Airtel's Response:**

In case of International OSP, the EPABX may be allowed at foreign end, provided that International OSP is not switching/ conferencing calls at India 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.**

**Bharti Airtel's Response:**

We are in agreement with the Security Conditions mentioned in the Chapter V of the OSP guidelines. It is further submitted that considering the change in technology and both Voice/ Data traffic being carried on IP, suitable security compliance as well as penal clauses for OSP for non-compliance to guidelines may be incorporated in OSP guidelines which acts as a deterrence and results in compliance by OSPs.

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

**Bharti Airtel's Response:**

In our views, penalty provisions should be made more stringent, considering the fact that technology is allowing for distributable architecture wherein monitoring of compliance is difficult. Therefore, the deterrence in the form of stringent penalties may be required.

**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.**

**&**

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

**Bharti Airtel's Response:**

OSP to OSP interconnectivity may be allowed subjected to the condition that said OSPs are working for same client and the client has given consent to OSP for doing so. It is further submitted that OSP guidelines should ensure that in no case OSP setup could be used for toll bypass i.e. conversion of one type of calls to other calls like local call to ILD call or vice version and for converting the domestic toll free to ITFS and vice versa. Such connectivity should be exclusively used if the client has provided its consent.

**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.**

**Bharti Airtel's Response:**

Yes, we agree with the miscellaneous provisions mentioned in the 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.**

**Bharti Airtel's Response:**

With the change in regime as per TCCCPR, 2018 it is essential that OSPs engaged in outbound calling for transactional, promotional and service purposes should mandatorily register with the respective TSPs from which they have taken resources. It is also essential that they comply with the provisions of TCCCPR regulations.

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

**Bharti Airtel's Response:**

No comments.

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