

SUBJECT: VOICE Comments on ‘Regulatory Framework for Over-The-Top (OTT) communication Services’

Voluntary Organisation in Interest of Consumer Education (VOICE) is a consumer protection group set up by teachers and students of Delhi University in 1983.

We at VOICE as part of our advocacy initiative in Telecommunications continuously raise different issues with Policy makers impacting consumers based on the knowledge through Consumer feedbacks.

As a registered CAG we are in forefront of providing inputs to the Government, Regulatory authorities, consumers and business community at large related to consumer concerns and interests.

In continuation of this effort on behalf of consumers we at VOICE have following
COMMENTS ‘Regulatory Framework for Over-The-Top (OTT) communication Services’

Q.1 Which service(s) when provided by the OTT service provider(s) should be regarded as the same or similar to service(s) being provided by the TSPs. Please list all such OTT services with descriptions comparing it with services being provided by TSPs.

Comment: Only Voice communication and messaging services can be (if at all) considered to be similar to the services being provided by TSPs. However due to technological advances both voice and messaging per se do not exist, all are carried thr’ internet. If and when interactive broadcasting is introduced, same services will be available thr’ alternate channels – may be using the same APP.

Q.2 Should substitutability be treated as the primary criterion for comparison of regulatory or licensing norms applicable to TSPs and OTT service providers? Please suggest factors or aspects, with justification, which should be considered to identify and discover the extent of substitutability.

Comment: Substitutability can not be the sole or major criteria. In the fast changing technological environment, the criteria can at the most be transient-short term till all hand sets become smart. So, for the time being voice calls and messaging only should be considered as OTT. Substitutability cannot be stretched too far - many websites today offer audio/video calls and chatting.

Q.3 Whether regulatory or licensing imbalance is impacting infusion of investments in the telecom networks especially required from time to time for network capacity expansions and technology upgradations? If yes, how OTT service providers may participate in infusing investment in the telecom networks? Please justify your answer with reasons.

Comment: No real relationship is ascertainable. Ideally speaking a good network is TSPs commitment to consumers – how consumers use it is up to them. It is like making bus manufacturers responsible for creating good roads.

Q.4 Would inter-operability among OTT services and also inter-operatbilty of their services with TSPs services promote competition and benefit the users? What measures may be taken, if any, to promote such competition? Please justify your answer with reasons.

Comment: No such regulation will be sustainable with the developing technologies – unnecessary barriers will create bigger issues.

Q.5 Are there issues related to lawful interception of OTT communication that are required to be resolved in the interest of national security or any other safeguards that need to be instituted? Should the responsibilities of OTT service providers and TSPs be separated? Please provide suggestions with justifications.

Comment: OTT service providers should be responsible for their applications and how their users use it. TSPs only are conduit – a platform for the consumers. A road builder can not be held responsible for road users' behaviour or malfunctioning of say cars on the road.

Q.6 Should there be provisions for emergency services to be made accessible via OTT platforms at par with the requirements prescribed for telecom service providers? Please provide suggestions with justification.

Comment: Yes, these are public services and OTT platforms should also be part of it.

Q.7 Is there an issue of non-level playing field between OTT providers and TSPs providing same or similar services? In case the answer is yes, should any regulatory or licensing norms be made applicable to OTT service providers to make it a level playing field? List all such regulation(s) and license(s), with justifications.

Comment: Traditionally speaking yes, there is an overlap of VOICE and SMS service between OTT providers and TSPs. But with evolving technologies this overlap has disappeared – TSPs are the providers of an Internet platform which a consumer hires for using it thr' various APPs. Hence question of 'level playing field' arises and so no regulation for OTT needed.

Q.8 In case, any regulation or licensing condition is suggested to made applicable to OTT service providers in response to Q.7 then whether such regulations or licensing conditions are required to be reviewed or redefined in context of OTT services or these may be applicable in the present form itself? If review or redefinition is suggested then propose or suggest the changes needed with justifications.

Comment: No licensing condition is suggested to made applicable to OTT service providers.

Q.9 Are there any other issues that you would like to bring to the attention of the Authority? However to ensure that these costs to consumers are not overcharged a long-term solution is that the **Recipient Operator** should pay the Port charges as the amount is relatively small. AND these charges can be periodically reviewed among TSPs, MNPSs and Authority without any need for recourse to consumers. **Recipient Operator we believe will be more than willing.**

Comment: Alternatively, we can encourage OTT service providers to have some kind of revenue compensation arrangement with TSPs. But a framework needs to be provided by TRAI to ensure that start ups are not unduly burdened.

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