

## TCL Counter Comments on TRAI Consultation Paper on Audiotex License

We believe Indian Regulation must evolve with evolving technologies and enable economic growth by globalization of businesses. India has moved away from the days of 'license-raj' where once two incumbents got license for provision of cellular mobile services, they thereafter opposed the entry of newer players in the market in the year 1998 as well as 2003-04. India is now entering in a new era of entrepreneurship, start-ups and making head waves globally enticing world renowned business houses to make presence felt in India and any restrictive suggestions therefore should be dismissed at the very threshold. Regulation must govern and align this process to catalyze the spirit of innovation, creativity and technological advancements. In fact licensing regime should evolve to keep pace with global best practices and ease of doing business should be the prime mantra from policy perspective.

We have reviewed comments of various stakeholder on the proposed licensing conditions and in our considered view the stand taken by COAI, various mobile operators and ISPAI is without any factual basis, not justified and in fact misplaced in their understanding of the issue.

It would be regressive to introduce prohibitions as demanded by Mobile Operators & COAI and will deter small entrepreneurs & start-ups to innovate, start business & generate employment. This will be against the spirit of 'Make in India', 'Invest in India' and 'ease of doing business' which Government sincerely intends to make success.

That apart even the historical perspective does not support the stand taken by the mobile operators and COAI. TRAI recommendations dated 14<sup>th</sup> May 2012 captures this historical perspective accurately and state as follows:

*"Traditionally Value Added Services (VAS) have been defined as enhanced services, which add value to the standard or core tele-services offering like voice calls and fax transmission. Examples of value added services include call related services like call waiting, call forwarding, multi party conferencing, voice mail; email, SMS, MMS etc."* (Emphasis Supplied).

Thus call conferencing was a value added facility provided to consumers both by BSOs and CMSPs as an enhanced service and by DoT also in the pre-privatization era .Despite the availability of this facility even during that period, the call conferencing services were also being provided by STD PCOs to the end consumers by using multi line telephone instruments. The nature and character of the two call conferencing services was fundamentally different but the end result to the consumer was same viz. conference call facility. It may be noted that the STD PCO operator did not require any license at that

time or even now to provide call conferencing services to its customers. In our view, Audio Conferencing Bridge is the further evolution of this instrument providing Audio Conferencing services the provision of which does not attract any license requirement. In any case to argue that audio conferencing services is in the sole domain of Access Providers is a completely facile argument.

Department of Telecom has first granted the licenses for Audiotex service on first come first served basis with effect from the year 1996 almost coterminous with beginning of licensing for Access Services in form of BSO license as it was known then. It may be noted that these services were permitted to BSOs in their license also but not to the CMSPs at that time. TRAI recommendations of 29<sup>th</sup> December 2000 recapitulate the scope of Audiotex services in a detailed manner as under:

*“3.2 As per the guidelines for Value Added Services, the Audiotex equipment shall provide a range of interactive facilities to enable callers to respond to audio prompts within the service. The minimum facilities shall include DTMF detection (detecting the DTMF keys on the caller's phone). Optional additional facilities shall include:*

- i) Voice detection (detecting whether or not the caller is speaking)*
- ii) Voice Interrupt (detecting that the caller is speaking whilst the service is playing the caller radio).*
- iii) Conferencing (enabling two or more callers to speak to each other, or to listen to others speaking).*
- iv) Fax on demand (enabling a caller to get information from the Audiotex equipment on fax machine).*
- v) Access to multiple session in the same call should be possible”*

*“The Voicemail/ Audiotex service provider is essentially a Content Provider. He depends upon the public carrier such as PSTN, PLMN etc. for subscribers to reach his server.”  
(Emphasis Supplied)*

Thus even at that time it was clearly recognized by the Authority that Audiotex service includes conferencing services as per DoT guidelines and that it requires PSTN/PLMN connectivity for subscribers to reach servers which provide Audiotex service including conferencing service. With the passage of time, technology, nature and character of conferencing services has evolved both globally as well as in India. To argue at this stage that this service should only be allowed to Access Providers or under Access License is very retrograde especially in view of the fact that this is a platform-based service, not covered under the definition of telegraph as it uses PSTN services as its basic inputs, which audio conferencing providers hire from the licensed Access providers. It may be noted that the platform used for providing Audio Conferencing service is equipment in the domain of IT services viz. servers and as such is not covered under the definition of Telegraph in our view.

The current TEC specification is fairly good and aligned to ITU recommendations on 'Multipoint Communications Services' offering conferencing services ITU T.120 & ITU T.122. It allows interconnectivity between multiple conferencing bridges enabling conference in any of the interconnected bridge network. A bridge dial-out enables such kind of interconnectivity & inter-operability between global audio-conferencing bridges.

We recommend further relaxation of norms by allowing IP connectivity on the bridge. India cannot ignore growth in IP technologies and its pervasive nature. Globally IP connectivity on conferencing bridge is allowed and India cannot remain an island with such restriction. Such a move would be prohibitive & detrimental for country's economic & business growth.

The Voicemail/Audiotex service depends upon PSTN, PLMN connectivity etc. for subscribers to reach its server/equipment for delivery of these services. We would like to reiterate that these are platform based Value Added Services which require PSTN/PLMN resources from licensed Access Providers as connectivity input in order to deliver services to its customers. It may be noted that a vast eco-system of application services has developed over period of time on the internet where any customer having internet access can subscribe to the services of such application providers. VoIP providers like Skype are providing services to the end users and lots of application services are being provided on the internet.

It is our submission that audio conference service is a platform based service which is configured in a manner to provide service depending upon the underlying telecom resource. The entity which holds the license installs the conferencing platform/bridge which is able to ensure voice communications amongst parties. The bridge / platform uses the telecom connectivity resources in form of PRIs and toll free numbers which the Licensee subscribes from licensed Access Provider by means of which the end customer of the Licensee are able to use the audio conferencing services being provided by the Licensee. Thus the Licensee is enabling the audio conferencing services using the connectivity resources from licensed Access Provider and is only providing the platform of bridging facility which is in the IT domain. The "telegraph" or the licensed element in the overall services continues to be provided by licensed Access Provider. In such a view of the matter it needs to be carefully debated whether provision of audio conferencing services be covered under Section 4 of the Indian Telegraph Act. There are other entities who use the connectivity resources from the licensed TSPs to provide various services and they are registered as Other Service Providers (OSP) by DoT under a registration scheme. It would therefore be appropriate that audio conference Service Providers are also placed under a similar registration regime.

Further to add, restriction of taking resources from only one telecom operator ( In case of bridge Dial out facility) should be re considered and permission should be granted to take the resources from more than one operators to ensure the commercial benefit to end user because of competitiveness.

We further corroborate views of Nasscom, quoted below:

“Voice Mail/Audiotex & Unified Messaging are content services provided on public networks like Public Switched Telephone Network (PSTN). This is to a large extent similar to Application service providers who build applications over and above the telecom resources procured from licensed TSP at commercial rates.

There are over 10 companies in India who offer hosted communication services, either startups or small companies. These companies are innovating as they leverage India’s inherent strengths in digital technologies. There is a need to recognize such hosted communications service providers who are offering their services, supporting millions of SMEs already. They have the potential to augment employment opportunities as local language processes are required and there is no need for high end infrastructure. If a Unified License is mandated, then entry barriers for startup and small companies would be insurmountable and innovations built over telecom infrastructure would be stifled.

We therefore feel that while Unified License may allow for Voice Mail/ Audiotex and Unified Messaging, restricting the option of offering these services to only Unified License holders or to regulate as per the T&C of the Unified License only is unjustified.

We, instead recommend that a simple information declaration process should be outlined for content services being provided over PSTN. This is in line with NASSCOM’s recommendations on net neutrality and inputs on OTT regulations, where content service providers should not be subject to regulations meant for infrastructure providers “

We agree that in order to create level playing field between Access Providers providing Audio Conferencing services under their Access license and standalone Audiotex authorization holders providing Audio Conferencing services under their authorization , a uniform license fee may be recommended for the standalone Service Providers details of which we have provided in our response to the Consultation Paper.