

TCL Response to CP on Review of Voice Mail/Audiotex/Unified Messaging Services License

I. Background:

In accordance with the provisions of NTP 94, Department of Telecom started granting licenses for Voice Mail/Audiotex service for cities on first come first served basis, with effect from 1996. The license duration was 5 years. Post creation of TRAI, the matter was referred to TRAI for its recommendations in the year 2000. TRAI gave its recommendations on 29th December, 2000 and post consideration of the same the guidelines dated 16th July, 2001 for the new license for Voice Mail/Audiotex/Unified Messaging Services License was issued by DoT. There are 63 Licensees of Voice Mail/Audiotex/Unified Messaging Services presently operational in 11 cities as per information available on DoT website. Most of the Licensees are engaged in providing Audio Conferencing services on the strength of Voice Mail/Audiotex/Unified Messaging Service license.

A brief description of Voicemail/ Audiotex services extracted from TRAI recommendations dated 29th December, 2000 is reproduced below:

The Voice Mail service enables the subscribers to record their messages in a computer memory area called a 'Mail Box'. The recorded message can be retrieved by the recipient by dialling a telephone number. Audiotex is a generic term for interactive voice response equipment and services. Audiotex to a telephone instrument is what data processing is to a data terminal.

The fundamental ability of the Voice Mail Service is to provide a public interface between originator and recipients of voice communications, especially where there is no immediate or convenient direct telecommunication service available between subscribers' equipment. Voice Mail Service enables the subscriber to send a message to one or more recipients and to receive messages via a telecommunication network using a combination of store and forward, and store and retrieve techniques. The service is especially useful for the subscribers who are constantly on the move or do not have a telephone of their own. A Voice Mail Service (VMS) subscriber has a voice mail number and a mail box. Any person can leave his message in the 'mail box' of a VMS subscriber by dialling the mailbox number from where it can be retrieved at the

convenience of the VMS subscriber.

Voice mail service has got wide range of applications. Typical examples are given below:

- i) Messaging Service The messaging service is designed for routine use by the person who travels frequently, is difficult to reach, and yet needs to stay in touch with numerous people and events.*
- ii) Telemarketing/ Telebooking Service The Telemarketing/ Telebooking service is designed to automatically take order by telephone. The service may be used in conjunction with the Audiotex service and may provide direct input of the order to the host computer database. Voice mail service can be used by agency like cooking gas, restaurants etc. Customers can interact with, the Voice Mail System any time and agencies need not keep large number of persons nor more telephones to attend to customers demand.*
- iii) Voiceline Service ` The Voiceline service is designed to provide networking of the voice mail service and to send and receive messages between Voice Mail Centres. The service forms the basis for regional, national or international Voice Mail Service.*
- iv) Tele-complaint Service: This service envisages use of Voice Mail Service to provide 24 hours automatic complaint service. This service is very helpful for the maintenance agency in addressing complaints.*

Audiotex service involves the automatic answering of calls and the subsequent provision of audio information to the callers. Audiotex service can be either passive where the caller simply listens to a fixed service format or can be interactive where the caller can choose various information by interacting with the database computer via telecom network. A subscriber can retrieve the information at any time by interacting with the main data base computer by using the existing telephone line.

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). (Emphasis supplied).**
- 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 Audiotex equipment may also provide facilities for multiple live audio feeds to be distributed across the system and to be accessible to callers. (e.g. live sports commentary).*

From above, it can be seen that the audio conferencing is a part of Audiotex license as an additional facility which has been used by various licensees for providing audio conferencing services.

As per the DoT Guidelines dated 16th July, 2001 for issue of License for VMS/Audiotex/UMS, for provision of only Audiotex Service or services through Interactive Voice Response System (IVRS), the Governmental or Private Service Agencies, offering Public utility services, such as Railways, Broadcasting, News & Media, Cooking Gas Agency or even Restaurants etc., are permitted to provide services such as Audiotex (providing information on automatic basis like News, Weather Forecast, Commentary, Railway/Air Timings etc.), Telemarketing (receiving purchase orders automatically over phone or host-computer), Telecomplaint (Service Agency providing automatic booking of service complaints through IVRS system etc.) and Tele-Booking (agencies like Cooking Gas, Restaurants for booking of orders 3 using IVRS or host-computer etc.), **freely without need for obtaining any license or taking any permission.**

II. Issue of Authorization:

The Voicemail/ Audiotex service depends upon PSTN, PLMN connectivity etc. for subscribers to reach its server/equipment for delivery of these services. 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 install 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. 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.**

The existing license for Voice Mail / Audio Tex / Unified Messaging only permits creation of infrastructure for the services which cannot operate without connectivity resources from licensed Access Providers. Unless the connectivity is provided, the infrastructure created is not of much significance as it is unable to provide any service to the customer. This situation is similar to the OSP registration where the OSPs are required to source telecom connectivity from authorised Access Provider.

Globally audio conferencing services in most of the geographies is a very well established service being provided by number of entities but in most of the geographies audio conferencing service provision is not a licensed activity.

III. Response to the Questions

Q1. In view of the discussion in Para 2.13, is it necessary to have a separate standalone licence for Voice Mail Service? If so, why? Please provide detailed

justification?

TCL Response:

In our view, there is no need to have separate standalone license for Voice Mail service. If at all a need is felt for continuation of the licensing regime, the present one needs to be continued as a form of OSP registration for both VMS and Audiotex services. VMS is generally used in combination with Audiotex services. Detailed justification for the registration regime is given in Para II of the response above.

Q2. If the answer to the Q1 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?

TCL Response:

Not Applicable

Q3. In view of Para 2.17 and present technological developments, is it necessary to have a separate standalone license for only Audiotex Service? If so, why? Please provide detailed justification?

TCL Response:

Please see our response to Question No. 1 above wherein we have recommended registration regime for both Audiotex/VMS service. Detailed justification for the registration regime is given in Para II of the response above

Q4. If the answer to the Q3 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?

TCL Response:

Not Applicable.

Q5. Whether there is a need for standalone licence for providing Audio Conferencing Service? If yes, whether the technical specifications need to be explicitly defined? Please provide detailed justification?

TCL Response:

Audio conferencing allows multiple parties to connect using devices such as phones or computers. This can be a solution for a number of problems that can arise when multiple parties need to meet. People who are distant and busy do not have to sacrifice the travel time since the meeting can be conducted from a nearby phone or computer. A person who would otherwise be excluded due to a bedridden illness can participate. Money that would be needed to book a meeting facility or host a lunch meeting can be saved.

In our view there is a need to continue with the present authorization for VMS/Audiotex service simplified as a registration scheme similar to OSP registration scheme which provides for provision of Audio Conferencing services by VMS/Audiotex licensees while providing clarity in respect of scope of services as well as the manner in which connectivity resources will be taken by the VMS/Audiotex licensees. Both these services are Platform based services which use PSTN connectivity as an input resource only to provide the Value Added service of Audio Conferencing and various other services covered under VMS/Audiotex. Such Platform based services should not be clubbed with any Network service. Audio Conferencing Bridge is a Platform which enables 2 or more participants to get into a conference call. This service is critical for enterprises globally to conduct business and host audio conferencing remotely.

Technical Specifications for Audio Conferencing Services are already well defined in TEC document "Audio Conferencing Service - Generic Requirements TEC/SR/SA/ACS-001/01/MAR-09".

These requirements should further be aligned to Global Practices & ITU Recommendations ITU T.120 & T.122 on ' Multipoint Communication Service'.

Q6. If the answer to the Q5 is in the affirmative, what should be the technical specifications for providing Audio Conferencing Service?**TCL Response:**

As stated, TEC document "Audio Conferencing Service - Generic Requirements TEC/SR/SA/ACS-001/01/MAR-09" captures technical specifications.

There is a need to further align them to Global Practices & ITU Recommendations ITU T.120 & T.122 on ' Multipoint Communication Service'.

Increasing Global nature of businesses with Indian Companies going overseas and becoming Multinational Corporations while focus on bringing investments in India means more & more Global Companies setting facilities in India requires robust collaborative telecommunication services.

Audio Conferencing service is critical to such enterprises having offices across the globe including India. Authorities must ensure that the Audio Conferencing License is thus aligned to ITU norms and caters to universal needs of these Global MNCs.

Revised technical Specification should also include.

1. Removal of restriction of single operators for dial out facility to increase the competitiveness and better pricing to consumer.
2. Possibility of Web conferencing on the same bridge (Screen sharing, White boarding), with PSTN and IP logical portioning.... this will ensure progressive and best in class service to customers in comparison to outside India Conference.... In fact due to cost efficiency, we will be able to increase the incoming volume to India resulting in better termination revenue

Q7. Is it necessary to have a separate licence for Unified Messaging Service when holding an ISP licence is mandatory to provide the Unified Messaging Service and standalone ISP licensee is also allowed to provide Unified Messaging Service? If so, why? Please provide detailed justification?

TCL Response:

We recommend separate license for UMS to allow innovation and entrepreneurs to offer standalone service without additional obligations.

Q8. If the answer to the Q7 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?

TCL Response:

Revised technical specifications should reflect changing technological advancement

& business needs. It must encourage innovation and competition.

Q9. In case Voice Mail/Audiotex/Unified Messaging Service requires a licence should they be made a part of the Unified Licence as one of the services requiring authorisation? Please provide detailed justification?

TCL Response:

In our view, these services should be allowed to continue independent of the Unified license regime on a standalone basis as these are in the nature of application services which require connectivity resources from the licensed service providers.

Q10. If the answer to the Q9 is in the affirmative, what should be Service Area? Whether Service Area may be similar to the Service Area of ISP (National Area, Telecom Circle/Metro Area, Secondary Switching Area) to bring in uniformity among the Service Areas of different services? Please provide detailed justification?

Q11. If Voice Mail/Audiotex/Unified Messaging Services is made a part of the Unified Licence as one of the services requiring authorisation, then what should be the Entry Fee?

TCL Response:

These services should not be made part of Unified License. These are platform/content based service and should not be levied with any Entry Fee. If required, a nominal fee maybe introduced just to discourage non-serious players. Since these are platform based services not covered under Section 4 of the Indian Telegraph Act one single platform can serve the entire country for a Service Provider. As long as there is no PSTN bypass issue, the service area for platform based service should be national. The platform providers may install multiple platforms at various locations depending upon their business case.

Q12. Whether there should be any requirement for Minimum Net worth and Minimum Equity for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

TCL Response:

There should not be any requirement for minimum net worth and minimum equity and

the present license condition should continue to hold good in this respect .

Q13. The annual licence fee for all the services under UL as well as for existing UASL/CMTS/Basic Service/NLD/ILD/ISP licensees have been uniformly fixed at 8% of AGR since 1st April 2013. Whether it should be made same for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence? If not, why?

TCL Response:

DoT has always maintained its stand of not covering the content/application service providers under the licensing regime. The key reason behind this is that the technological growth, innovation should not be stalled and telecom services in India should grow with the pace of the technological advancement worldwide and the citizens should enjoy the cost effective services at their end. This has been possible with the continuance of the light touch regulatory regime on these content companies. We therefore strongly submit that the Audiotex/ VM/UMS should be kept out of the purview of the Unified license or any imposition of License fee.

However, for reasons of level field with licensed Access Providers who also provide audio conferencing service and are subjected to license fee obligation if it is decided to impose license fee then since a VMS/ Audiotex/ UMS / Audioconferencing service provider being an application service provider who procures telecom resources from licensed telcos and pays for the same, the payment made to licensed service providers by VMS/ Audiotex/ UMS / Audioconferencing service provider should be allowed as pass through charges and AGR should be calculated by deducting these charges from the gross revenue. Payouts made by VMS/ Audiotex/ UMS / Audioconferencing service provider for telecom resources like PRIs, Access Numbers etc procured from licensed telcos must be therefore allowed as pass through charges while defining AGR and GR for these services. Alternatively the revenues earned by licensed Access Providers through the provision of audio conferencing services may be exempted from the obligation of payment of license fee.

Q14. In case the answer to the Q13 is in the affirmative then what should be the definition of AGR for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

TCL Response:

Further to our response to Question No. 13 above, in case it is decided to impose the revenue share, the definition of AGR (Adjusted Gross Revenue) could be as given below:

ADJUSTED GROSS REVENUE

The Adjusted Gross Revenue shall be the total billed revenue earned from Service and shall exclude the following :-

- PSTN Charges/PLMN Charges/any other charges towards any telecom resources procured from any telecom services provider actually paid to other eligible/entitled telecommunication service providers whether in India or abroad;
- Service Tax on provision of service and Sales Tax actually paid to the Government if gross revenue had included as component of Sales Tax and Service Tax.

Q15. What should be Performance Bank Guarantee, Financial Bank Guarantee and Application Processing Fee for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

TCL Response:

Requirement for PBG or FBG may not be applicable under registration regime.

Q16. Whether the duration of the licence with Voice Mail/Audiotex/Unified Messaging Services authorisation be made 20 years as in the other licence authorisations under Unified Licence? If not, why?

TCL Response:

The duration of the registration may be made 20 years.

Q17. What should be the terms and conditions for the migration of the existing Voice Mail/Audiotex/Unified Messaging Services licensees to Unified Licence?

TCL Response:

We recommend that existing Voice Mail / Audiotex / UMS licensees may not be forced to migrate but their license terms and conditions should be amended to bring them at par with the new registration regime for these services.

Q18. Whether the existing Voice Mail/Audiotex/Unified Messaging Services licensees may be allowed to continue or it would be mandatory to migrate to the Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

TCL Response:

We recommend existing licensees for Voice Mail / Audiotex / UMS should be allowed to be continued with amended terms and conditions of their license and a new standalone registration document may also be framed as suggested in our earlier response.

Q19. What should be the annual licence fee for existing Voice Mail/Audiotex/Unified Messaging Services licensees who do not migrate to the Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

TCL Response:

We recommend that terms and conditions of existing standalone Voice Mail/Audiotex/Unified Messaging Services licensees should be amended to bring them at par with the new registration scheme for Voice Mail / Audiotex / UMS.

Q20. Please give your comments on any related matter, not covered above.

TCL Response:

No further comments.