1. **Please provide your views on the definition of the Application Service in the 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.**

    DoT's reference to TRAI on the subject dated September 10, 2018 has rightly noted: "Keeping in view the vast changes in technology and evolution of different network architecture and solutions for setting up the OSP network and the resultant new user applications and service delivery scenarios, there is a need to review the technical, financial and regulatory requirements, scope of operations and the terms and conditions of registration of OSPs in a comprehensive and holistic manner. A technology-neutral framework is required to be devised so as to promote innovations for setting up the OSP service delivery platforms in the most cost-efficient manner for the faster promotion of OSPs in the country".

    The current definition of "Application Services" as mentioned in the OSP guidelines dated August 5, 2008, is: "Applications Services' means providing services like telebanking, telemedicine, tele-education, tele-trading, e-commerce, call centre, network operation centre and other IT Enabled Services, by using Telecom Resources provided by Authorised Telecom Service Providers."

    The above definition of application services in the context of OSP is very broad especially by referring to 'other IT enabled services. This definition does not help in determining the applicability of OSP guidelines. In fact, going by this, definition every single activity related to IT or ITES requires an OSP registration. Such a broad definition leads to difficulties, both in compliance as well as enforcement. This needs to be corrected and the definition needs to be made specific. Given the specific context of OSP, the definition should clearly identify services which require OSP registration and which do not.

    Captive services (providing services to own company/affiliate/parent or group company like Payroll, Accounting services etc) may be kept outside the domain of OSP.

2. **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 the government are met. Please furnish your views with justification.**

    Registration of OSP is required essentially for the purpose of:

    a. Statistical information
    b. Ensuring that their activities do not infringe upon the jurisdiction of other access providers
    c. Providing special dispensation to boost the BPO sector

However, over the years, the registration framework has become increasingly burdensome with additional compliance and enforcement requirements. OSPs have provisions on localisation, are not permitted to host infrastructure in the cloud, pay hefty bank guarantees and incur substantial cost on infrastructure and connectivity without any special privileges.

Whilst maintaining that there is no infringement into the TSP jurisdiction, there is a case to simplify and ease the registration process/regulatory framework.

For example, the current registration process requiring companies to fill up information online and hard copy with a host of documentation / to be filed every time there is a change in bandwidth, needs to be replaced with an end-to-end online platform, with a time-bound approval process.

The Guidelines should facilitate the adoption of new age technologies and modes of connectivity, with suitable safeguards to ensure security compliance as also no overlapping into TSP jurisdiction. The application of OSPs should be made completely online and the updated list of active and dormant OSPs be made available on the DoT website.

Further, OSP guidelines should provide complete clarity to the registrants on the regulatory requirements (with clear do's and don'ts in simple language) so as to ensure better compliance by the OSPs. Registration by an OSP should be taken as an undertaking to comply with the guidelines.

The guidelines should not be unduly burdensome and should be made fit for purpose. The principles and objectives for requiring registration must be kept in mind, whilst reviewing the OSP guidelines.

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

    The current validity period of 20 years appears to be fine. However, it is important that a longer renewal period (~10 years) should be provided to facilitate continuity of business, and if the OSP wishes it and is compliant with extant rules.

4. **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.**

It is suggested that the procedure should be simplified with minimum documentation with an end-to-end online and time-bound approval process. This is especially important, keeping in mind that most players are likely to be small and medium enterprises and should be incentivized to enter and compete in the market. We suggest that the following documents should be sufficient for registration:

- Name of the company
- CIN Number issued by ROC (with a copy of the same)
- Registered Office Address and Contact Numbers / Email
- Address of the office proposed for conducting OSP activities
- A note on the activities
- Indicate whether the service will be provided to a domestic or international client
- Nature of telecom resources taken with the name of the service provider
- Network Diagram
- Processing fee payment
- Any other

It is recommended by the members that the registration process should be made completely online.

5. **Do you agree with the fee of INR 1000/- for registration of each OSP centre? If not, please suggest a suitable fee with justification.**

Yes, the registration fee of Rs. 1000/- for registration of each OSP centres appears to be fine.

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

Now the process of registration has become much easier with saralsanchar.gov.in. Single/Multiple OSPs in operating as one unit and for same application services may be registered with one application. OSP registration/intimation should be at the company level. A different OSP registration may be required, in case, the different locations are catering to different businesses/ application services. Due to online nature of application filing, once a complete set of required documents are filed for the first application, further registrations should be automatic, if there is no change in the status of the applicant, subject to the submission of self-declaration to that effect. The updated location details with regards to all OSP centres can be duly updated on the website.

7. **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.**

The existing provisions for determination of dormant OSPs require the OSP to submit an annual return ("Annual Return"). While the procedure is effective for ascertaining whether the OSP is 'active' or 'dormant', it seeks certain details that are not commensurate with the purpose. For example, the revenue generated from the OSP centre is required to be provided as a part of the Annual Return. In our view, this is not relevant, and it also compromises the confidentiality of several companies in the process. Given the B2B nature of OSPs, the said details may be omitted while the OSPs submit an annual return. Further, basis the defined criteria, an updated list of dormant and active OSPs must be maintained on the DoT website.

8. **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.**

   It is submitted that the role of TSP is limited to the provision of telecom connectivity/ services as may be desired by the OSP once a registration has been obtained. The responsibility of examination and verification of the network diagram for confirming bona fide use must lie with the TERM Cells who are the registering authority. Further, when OSP intends to start its operations, it may/ may not finalize its TSP from whom, it intends to take the telecom resources. In view of this, we submit that the requirement to get the 'Network Diagram' approved by TSP while applying of OSP registration is erroneous and may be dispensed with. Therefore, it is recommended that an OSP should submit self-attested network diagram while applying for OSP registration. Further, any non-compliance of the network diagram is the responsibility of the OSP alone.

9. **Do you agree with the provisions of internet connectivity to OSP mentioned in the OSP guidelines? If not, please suggest suitable changes with justification.**

   Members recommend that the present provision may be continued which mandates an OSP to take internet connectivity from authorized TSP and are permitted to use IP addresses that are registered in the name of Indian Entity.

   OSP should be permitted to take internet connection from the licensed service providers, this includes having internet connections either centralised Category A ISP or at each location.

   From a disaster recovery perspective, OSPs should be allowed to utilise internet connectivity using the infrastructure of its parent/group company or affiliate, for a temporary period30 days) with due intimation to the LSA unit.

10. **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.**

    OSPs must have enough flexibility to deal with bona fide disaster situations. There should be a provision in the OSP registration in-line with the exception provided to the TSPs to deal with disaster situation.

11. **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.**

    Members 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. In present technological advancement wherein voice traffic is also carried on IP and the physical hardware is replaced with servers & software, the compliance to these guidelines should be the responsibility of the OSP. The TSP after provisioning telecom resources may not be in a position to check the compliance with this provision. Further, considering the importance of national security, it is suggested that OSP guidelines should ensure that in no case OSP setup could be used for toll bypass or conversion of domestic calls to international calls.

12. **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.**

    We agree with the present provisions of PSTN connectivity/ interconnection of International OSP mentioned in the OSP guidelines and suggest that these be continued. In addition to what has been stated in Q-11 above, the bank guarantee amount should be reduced.

13. **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.**

    In present technological advancement, the entire hardware has been replaced by Servers/ software which is deployed in the data centres. 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.

    Therefore, the compliance with the terms of 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 the inspection is being carried out by the LSA units.

14. **Please provide your view on 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?**

    Members suggested that the Optimal and efficient utilization of Network resources should be the key parameter to decide the choice and quantum of resources. The same should need/requirement driven by the user, instead of being thrust upon them through regulations. The extended OSP of existing registered OSP should be allowed without any additional telecom resources. This should be within the same telecom circle. However, in any case, the OSPs should not be allowed to install any platform/ have an arrangement which may result in a toll bypass.

15. **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.**

    As indicated above, the responsibility of ensuring compliance to terms and conditions including security compliance vests with the OSPs.

16. **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.**

    The provisions of general conditions, as well as technical conditions listed under Option 1 & 2 for sharing of infrastructure between International OSP and Domestic OSP as mentioned in the OSP guidelines, needs to be reformed considering the advancement in technology. The Bank guarantee amount should be reduced. Also, with the advent of the softphone and cloud-based infrastructure, the guidelines should permit such deployments. Suitable safeguards should be put in place to ensure that there is no infringement on TSP jurisdiction.

17. **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.**

    The provisions of the technical conditions listed under Option 1 & 2 for sharing of infrastructure between International OSP and Domestic OSP as mentioned in the OSP guidelines may be reviewed considering the advancement in technology. However, it may

be noted that in both the options, the requirement is that there is no bypass of the network of authorized TSP. There should be no dilution of this requirement whilst reviewing the technical conditions. The OSP should be required to provide complete data including CDRs to the authorities as and when required.

18. **In case of-of a 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 ensured compliance of security conditions and avoid infringement to the scope of authorized TSPs.**

We believe that the geographical boundaries of the country may be defined as the limit for the deployment of any equipment/ network. Further, OSP should be required to adhere to all terms and conditions including security conditions as defined in OSP guidelines.

19. **Do you agree with the provisions including of logical partitioning mentioned in the OSP guidelines for the distributed architecture of EPABX? If not, please suggest suitable changes with justification.**

The provisions including of logical partitioning mentioned in the OSP guidelines for the distributed architecture of EPABX may be reviewed if it facilitates providing better and newer services most efficiently and cost-effectively to the users; however suitable safeguards should be maintained to ensure that there is no violation /overlapping into TSP jurisdiction. Therefore, the aim of the guidelines should ensure optimum utilisation of resources and infrastructure and providing flexibility whilst maintaining suitable safeguards with respect to TSP jurisdiction.

20. **Do you agree with the monitoring provisions of mentioned in the OSP guidelines for the distributed architecture of EPABX? If not, please suggest suitable changes with justification.**

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. Also, OSP guidelines should ensure that there is no toll bypass and/or no conversion of domestic calls to international calls, toll or toll-free.

Further, in order to enable physical inspection which is otherwise required from a compliance enforcement perspective, centralized server configuration can be monitored from OSP centres through a console that would provide all the required information for a successful inspection or audit. Hence, physical inspection at the server locations may not be required instead, inspection at OSP centres should provide all the required information such as CDRs and other relevant information required for the inspection.

21. **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.**

    1. Member suggested that CCSP / HCCSP Services should be allowed to be provided by all existing telecom Licensees (ILD/ NLD)
    2. Additionally, in order to promote skill Indian and start-up India, and whereas to generate employment, such services should also be allowed by the non-telecom licensee (a company registered in India) to the extent they do not infringe on the scope of authorised TSP, / do not resell any of the telecom services.

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

    The separation of data and voice path is ensured by OSP through deploying the logical partitioning. Now, voice traffic is carried on IP and the physical hardware is replaced with servers & software, the compliance to these guidelines should be the responsibility of the OSP. LSA TERM Cells in any way conduct inspections for ensuring the compliance of terms and conditions under OSP registration. It is also recommended that a light touch security compliance, as well as penal clauses for OSP for non-compliance to guidelines, may be incorporated suitably in OSP guidelines.

23. **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.**

    The provisions for use of CUG for internal communication recognize that the concerned employee of OSP location will have a legitimate requirement to communicate with the organisation for their HR, payroll and internal requirements. The requirement of partitioning and signing the agreement and filing bank guarantee may be reviewed subject to safeguards to ensure that there is no infringement into TSP jurisdiction. Any review of the CUG provisions should ensure that this fundamental requirement is not diluted. Furthermore, the responsibility of compliance should lie with the OSPs.

24. **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.**

    OSPs should have the flexibility to deploy CUG or to share infrastructure subject to the safeguards mentioned in response to Q. 23 above.

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

   Keeping in view the popularity of this provision, given the prevailing traffic situation and the odd hours at which activity is required to be carried out and to enable gender inclusivity, this dispensation should be encouraged and facilitated. However, the present provisions requiring OSPs to incur expenditure for taking a PPVPN, identifying each location and getting the same registered, providing bank guarantees are all inhibiting the take up of this facility. Such facility is required at tier 2 – tier 3 level cities and rural areas to give support for rural BPO. The guidelines need to be reviewed to encourage take-up of this facility, whilst maintaining security and other safeguards. However, the extended agent's geography should be within India.

26. **Whether domestic operations by International OSPs for serving their customers in India may be allowed? If yes, please suggest suitable terms and conditions ensure that the scope of authorized TSP is not infringed, and security requirements are met.**

   The current licensing guideline mandates that domestic traffic should not be hauled/ routed to any place outside India. Therefore, in view of the fact that it entails security implications, the domestic operations by International OSPs for serving their customers in India may not be allowed.

   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.

27. **Whether the use of EPABX at a foreign location in case of International OSPs may be allowed? If yes, please suggest suitable terms and conditions ensure that the scope of authorized TSP is not infringed, and security requirements are met.**

   Provision for the use of EPABX at the foreign location should be kept in accordance with the provision of national security.

28. **Do you agree with the Security Conditions mentioned in Chapter V of the OSP guidelines? If not, please suggest suitable changes with justification.**

   Members of the key points of concern are as follows:

   > The emphasis on physical inspection of premises and physical safety of equipment may be outdated and need to be revised – especially the provisions that permit arbitrary surprise checks in the context of Work from Home (in Chapter IV).

- The requirement of providing call records to security agencies may be clarified and the "security agencies" to whom the call records are to be provided should be clearly identified and communicated.

- OSP is required to take necessary measures to prevent objectionable, obscene, unauthorized or any other content, messages or communications infringing copyright, intellectual property etc., in any form, from being carried on the network, consistent with the established laws of the country. This is not an obligation that may be complied with very easily by OSPs as the OSP often has limited control over content transmitted by end users and hence may be reconsidered.

- We further note that the security and monitoring obligations under the OSP T&C allow the inspection of OSP Centres upon receipt of any complaint or Suo moto action by the designated authority. We recommend that provisions in the OSP T&C should not be such that leave the infrastructure facilities utilised in such data centres vulnerable to an unauthorized search and seizure by law enforcement agencies.

- As per the OSP T&Cs, DOT and the local TERM Cell granting the registration reserves the right to modify the terms and conditions of the registration, if required in public interest or in the interest of the security of the state or for the proper conduct of the telegraphs. This is a broad power which should be streamlined with adequate safeguards, and possibly linked to demonstrated non-compliance with registration requirements, or violation of any law, before being invoked.

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

    Any penalty imposition needs to be specific and graded to a specific amount and also after giving due opportunity to explain. The objective should be to penalise only depending upon the gravity of the matter. Penalty provisions may be reviewed considering the same and graded penalty basis the gravity of non-compliance needs to incorporated.

30. **Whether OSP to OSP interconnectivity (not belonging to the 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?**

    OSP to OSP interconnectivity may be allowed subject to the condition that said OSPs are working for the same client and the client has given consent for the said connectivity. This should be for both domestic and international OSPs separately and amongst themselves.

It is further submitted that OSP guidelines should ensure that in no case OSP setup could be used for toll bypass and/or conversion of domestic calls to international calls.

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

    The only safeguards relevant in this case are those pertaining to national security. As mentioned previously, TSPs and OSPs should be free to negotiate interconnectivity terms as they see fit.

32. **Do you agree with the miscellaneous provisions mentioned in chapter VI of the OSP guidelines? If not, please suggest suitable changes with justification.**

    Yes, we agree with the miscellaneous provisions mentioned in chapter VI of the OSP guidelines.

33. **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?**

    On account of the recent change in 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.

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

    The telecommunications industry has finally converged with ICT. For decades, this industry has tried to apply ICT technologies to address voice communications, only to result in hybrid networks dependent on packet technologies combined with switching.

    With the advent of 5G, telecommunications are now converged. Networks are built in data centres, through software and virtualization. Old concepts of boundaries have disappeared as the cloud reaches across borders and connects networks through data circuits.

    Voice is now packetized and considered as data by the network. In fact, video calls are now supported using the capabilities of a web browser, without the need of switching systems or clients on the device (WebRTC). The packets supporting these communications are data packets, rather than distinct voice packets.

    Internet Telephony interconnecting the PSTN has been allowed which is to be provided by the Access Service Providers. Therefore, we are of the view that the guidelines for

domestic OSP should be modified to include the same i.e. it should be allowed to take Internet Telephony or PSTN, provided it is taken from Access Service Provider. This should also include permissibility of CUG/VPN-PSTN interconnection as by and large OSPs are using VPN to connect their centres.

Regulations need to change to allow for this convergence. A review of the OSP guidelines should be done in a holistic and comprehensive manner keeping in mind the rights, requirements and obligations of both OSPs as well as TSPs.