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Analysing developments impacting business

NEW YEAR BECKONS A NEW SERVICE AUTHORISATION UNDER THE UNIFIED LICENSE

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The Department of Telecommunications (DoT) recently added a new service authorisation, namely '*Audio Conferencing / Audiotex / Voice Mail Services*' (New Authorisation) in the Unified License (UL).

Government / private organisations providing public utility services or private organisations offering services to customers by using Audiotex or services through interactive voice response system (IVRS) are not required to obtain the license to provide such services. Only service providers that provide Audiotex services on a commercial basis to other entities will be required to obtain the New Authorisation.

Scope of services

Pursuant to the New Authorisation, an entity can provide the following services:

(a) Audio conferencing services: this service allows users from multiple locations to join a single audio conference and interact at the same time. It is a 'bidirectional' service that allows real-time transmission of voice between groups of users in two or more locations. Point to point conferencing can also be provided, subject to stipulated conditions.

(b) Audiotex services: this service is an interactive / non-interactive non-real time service which provides through appropriate access by standardized procedures for users of Audiotex service to communicate with database (within India) via telecom network. The subscriber can retrieve information stored in the Audiotex equipment at any time or the information can be disseminated to the subscriber.

(c) Voicemail services: in this service, a subscriber has a voicemail box with a voicemail number from an authorised telecom service provider (TSP). The subscriber can leave / retrieve messages in / from the voicemail box using a combination of storage and retrieve techniques.

Salient features

The following are some of the key provisions of the New Authorisation:

- Service area: The service area specified in case of the New Authorisation is national level. In other words, an entity will be able to provide services across the country after obtaining it.

- Financial requirements: Specific financial requirements such as minimum equity, minimum net worth, entry fee, bank guarantee amounts and application processing fees have been prescribed for the New Authorisation.
- License fees: Licensees will be required to pay license fees in respect of the services provided under the New Authorisation on the basis of the adjusted gross revenue (which will be in turn based on the applicable gross revenue).
- Standards: The technology for providing the services shall be based on the latest standards / service requirements issued by the Telecommunications Engineering Centre (TEC) as amended or issued from time to time. In this regard, certain standards have been stipulated in the New Authorisation.
- Applicable system: The licensee shall install applicable system / equipment, complying to the service requirements, within India. This means that foreign based infrastructure would not be capable of being used.
- Network interconnection and toll bypass: Traffic is required to be routed through the network of the national long distance (NLD) / international long distance (ILD) provider, as the case may be. The services should not be used in any manner for any illegal bypass of STD / ISD traffic of any licensed TSP.
- Dial-out: In case of audio-conferencing services, dial-out facility using resources of more than one Access Service provider is permitted with the condition that STD / ISD traffic should not be bypassed. For Audiotex services, dial-out will not be permitted unless dial out is made to callers who have made incoming calls to the Audiotex server.
- Connectivity: In case of audio-conferencing services, the audio-conferencing unit shall be connected to the licensed TSP's network like public switched telephone network (PSTN) / public land and mobile network (PLMN) / integrated services digital network (ISDN) or internet protocol (IP) network by using a combination of appropriate interface as per TEC standards.
- Delivery / roll-out: The licensee shall be required to commission the applicable systems within 1 (one) year from the effective date of the license. In this case, commissioning of services shall mean providing commercial services to customers with due intimation to DoT.
- Security conditions: The New Authorisation also provides a host of security conditions. We have set out some of the critical ones below:
 - The licensee shall maintain log details including call detail records (CDRs) / (IP detail records) IPDRs of all subscribers for the services provided. These details are required to be maintained for the prescribed period.
 - The licensee shall disclose complete details of terms and conditions and obligations under all contracts entered not with other licensed TSPs within 15 (fifteen) days of entering into such contracts. The licensee will also be required to provide authenticated copies of all such contracts within such period.
 - The licensee shall keep a record containing information of the service with name and address, and access number of the subscribers.
 - The licensee shall make available all detailed information (as prescribed) about the conference calls and list of subscribers for Audiotex services, to

DoT or designated security agencies. Such information is also required to be maintained for the prescribed period.

- The licensee shall provide a watchdog terminal with access limited to unfiltered CDR / IPDR to the DoT and designated security agencies.

Comment

The inclusion of the New Authorisation in the UL is surely a welcome step.

It may be important to note that the New Authorisation has only been included in the UL regime thus far, not under the regime relating to Unified License for Virtual Network Operators (VNO). Resultantly, it is unclear whether VNOs will be required to obtain a UL specifically to avail the New Authorisation.

Since it is still early days since the issuance of the New Authorisation, it will have to be seen how this framework will pan out in the future. Perhaps certain amendments and course corrections may also be made along the way to ensure seamless regulation and provisioning of services.

- Harsh Walia (Partner) and Shobhit Chandra (Principal Associate)

For any queries please contact: editors@khaitanco.com

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