TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

New Delhi,
the 27th November, 2006

No. 416-2/2003-FN .-----In exercise of the powers conferred by section 36, read with sub-clauses (ii), (iii), (iv), (vi) and (vii) of clause (b) of sub section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations, namely:-

IndiaCode

1. Short title and commencement.—(1) These regulations may be called the Intelligent Network Services in Multi Operator and Multi Network Scenario Regulations, 2006 (13 of 2006).

(2) These regulations shall come into force from the date of their publication in the Official Gazette.

2. **Definitions.--**In these regulations, unless the context otherwise requires,-

(a) "Act" means the Telecom Regulatory Authority of India Act, 1997(24 of 1997);

(b) "Access Providers" includes the Basic Operator, Cellular Mobile Service Provider and Unified Access Service Provider;

(c)" Authority' means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Act;

(d) "Basic Operator" means a service provider who has been granted a licence under section 4 of the Indian Telegraph Act, 1885 (13 of 1885) and who provides basic telephone service in accordance with the terms and conditions of the licence;

(e) “Cellular Mobile Telephone Service Provider” means a Cellular Mobile Telephone Service provider who has been granted a licence under section 4 of the Indian Telegraph Act, 1885 (13 of 1885) and who provides Cellular Mobile Telephone Service in a specified service area in accordance with the terms and conditions of the licence;

(f) “Eligible Service Provider” means service provider who has been granted a licence under section 4 of the Indian Telegraph Act, 1885 (13 of 1885) and who is eligible to provide the service in accordance with terms and conditions of licence;

(g) "Interconnection" means the commercial and technical arrangements under which the service providers connect their equipment, networks and services to enable their customers to have access to the customers, services and networks of other service providers;

IndiaCode

(h) “Intelligent Network” means a network architecture for the operation and provision of new services which is characterized by –

(A) extensive use of information processing techniques;

(B) efficient use of network resources;

(C) modularisation and reusability of network functions;

(D) integrated service creations and implementation by means of the modularised reusable network functions;

(E) flexible allocation of network functions to physical entities;

(F) portability of network functions among physical entities; standardised communication between network functions via service independent interfaces;

(G) service subscriber control of some subscriber-specific service attributes;

(H) service user control of some user-specific service attributes; standardised management of service logic;

(i) “Service Control Point” means a real time database ---

(A) which stores customer records;

(B) which executes one of the range of software routines customized for particular applications, when accessed by an enquiry from it ;

(C) which sends instruction back to the Service Switching Point to process the call ;.

IndiaCode

(j) “National Numbering Plan” means the National Numbering Plan 2003, or, any such plan, made subsequently by the Government of India, Ministry of Communications and Information Technology, Department of Telecommunication;

(k) “Service Switching Point” means the Switching Point providing the users with access to the network and performing any necessary switching functionality which--

(A) consists of the hardware switch and basic call control software with the added functionality of Intelligent Network;

(B) allows access to the set of Intelligent Network capabilities; and

(C) contains detection capability to detect request for Intelligent Network based services;

(l) "regulations" means the Intelligent Network Services in Multi Operator and Multi Network Scenario Regulation, 2006;

(m) “Unified Access Service Provider” means a Unified Access Service provider who has been granted a licence under section 4 of the Indian Telegraph Act, 1885 (13 of 1885) and who provides Unified Access Service in a specified service area in accordance with the terms and conditions of the licence;

(n) all other words and expressions used in these regulations but not defined, and defined in the Act and the rules and other regulations made there under , shall have the meanings respectively assigned to them in the Act or the rules or other regulations, as the case may be.

3. Provision for interconnection to all Eligible Service Providers. ---All Basic Operators, Cellular Mobile Service Providers and Unified Access Service Providers shall provide interconnection to all the Eligible Service Providers for the purpose of giving an option to subscribers of all Access Providers to exercise option for using the Intelligent Network Services of other Eligible Service Providers.

IndiaCode

4. Prohibition to deny to subscribers access to Intelligent Network. --- No Basic Operator, Cellular Mobile Service Provider and Unified Access Service Provider shall directly or indirectly deny its consumers accessing Intelligent Network Services of his choice which are available in multi-operator multi-network scenario.

5. Switches to be capable of resolving the access codes allotted as per National Numbering Plan 2003.----All Basic Operators, Cellular Mobile Service Providers and Unified Access Service Providers shall have switches capable of resolving the access codes allotted as per National Numbering Plan made by the Government of India ,Ministry of Communications and Information Technology, Department of Telecommunication for the Intelligent Network Services available in multi-operator multi-network scenario.

6. Obligation to follow Numbering plan.--- All Eligible Service Providers shall follow the Numbering plan for the Intelligent Network Services in accordance with the National Numbering Plan.

7. Intelligent Network Services to be launched after obtaining access code allocation.--- All Eligible Service Providers shall launch the Intelligent Network Services in Multi-Operator Multi-Network scenario after obtaining adequate access code allocation from the Administrator of the National Numbering Plan or the Licensor, as the case may be.

8. **Network equipment (including circuit or packet switches) to conform to the International Telecommunication Union and Telecommunication Engineering Centre standards and Standards of the industry**.----- All Eligible Service Providers providing the Intelligent Network Services in Multi-Operator Multi-Network scenario shall use such type of network equipment (including circuit or packet switches) which conform to the International Telecommunication Union and Telecommunication Engineering Centre standards and standards of the industry:

Provided that in the case of new technologies where no standards have been determined, all Eligible Service Providers shall deploy type of network equipment (including circuit or packet switches) approved by the Central Government and the Licensor:

9. **Compliance with Quality of Service standards**.---- (1)All Eligible Service Providers engaged in providing, directly or indirectly, Intelligent Network services shall ensure that there shall be no deterioration in the Quality of Service standards applicable to the underlying bearer network.

(2) The Quality of Service standards specified for voice services or applicable to voice services shall apply to Intelligent Network Services, which includes all circuit switched, or Packet Switched Voice Services.

10. **Intelligent Network Services under commercial and technical arrangements or agreement**.----- (1) All Eligible Service Providers shall provide the Intelligent Network Services in accordance with the terms and conditions of the licence granted to them under section 4 of the Indian Telegraph Act, 1885 (13 of 1885):

IndiaCode

(2) Without prejudice to the conditions of the licence granted to the Basic Operator, Cellular Mobile Service Provider and Unified Access Service Provider and other telecom service provider under section 4 of the Indian Telegraph Act, 1885 (13 of 1885), such Basic Operators, Cellular Mobile Service Provider and Unified Access Service Provider and other telecom service provider may use resources of any other telecom service provider for Intelligent Network Services under commercial and technical arrangements or agreements entered among themselves as per mutually agreed terms and conditions.

(3) Every arrangement or agreement entered under sub-regulation (2) shall specify architecture for implementation of Intelligent Network Services.

IndiaCode

(4) Every arrangement or agreement under sub-regulation (2) shall be entered into within ninety days from the date of commencement of these regulation for providing Intelligent Network Services to subscriber of other telecom service providers:

Provided that in a case any Basic Operator or Cellular Mobile Service Provider or Unified Access Service Provider fails to enter into arrangements or agreement under sub-regulation (2), the Authority may, on an application made by the concerned service provider and having regard to the interest of the service providers and consumers of the telecom sector, extend the said period of three months to six months.

(5) All Eligible Service Providers providing Intelligent Network Services shall furnish call data records of all the calls handled by him as and when required by the Central Government or any authority specified by it or the Authority.

(6) Every arrangement or agreement entered under sub-regulation (2) shall be submitted to the Authority for registration within fifteen days from the date of entering into such agreement.

(7) The arrangements or agreement entered under sub-regulation (2) shall come into force within thirty days from the date of entering into such arrangements or agreements.

(8) In case any Basic Operator, Cellular mobile service provider or Unified Access Service Provider fails to enter into agreements or arrangements within the stipulated time, they shall intimate within fifteen days of such failure to the Authority with complete details thereof and after examining such failure and details furnished by the service providers, the Authority shall specify the interconnection arrangement.

(9) All the provisions of these regulations shall apply to the commercial and technical arrangements or agreement entered into under which licensed Access Service Providers shall connect their equipment, networks and services to enable their customers to have access to the Intelligent Network of other Service Providers.

IndiaCode

11. Usage Charges under the arrangements or agreement entered under sub-regulation (2) of regulation 10.— (1) Without prejudice to provisions of the rules made under the Act, other regulations made and directions issued thereunder, the charges and sharing of revenues for the service features , network architecture and resources used for Intelligent Network Services shall be determined on reciprocal basis and on non discriminatory basis by the Basic Operators, Cellular Mobile Service Providers or Unified Access Service Providers themselves under the arrangements or agreements entered under sub-regulation (2) of regulation 10.

(2) Every Basic Operator, Cellular Mobile Service Provider, Unified Access Service Provider and other telecom service provider (here referred to as the first party) shall pay the same charges and share the same revenues for the service network architecture and resources used for Intelligent Network Services referred to in under sub-regulation (1) to the other Basic Operator, Cellular Mobile Service Provider, Unified Access Service Provider and other telecom service provider (hereafter referred to as the second party) which are payable

by the second party to the first party for similar service network architecture and resources used for Intelligent Network Services .

(3) The charges and sharing of revenues under sub-regulation (1) shall be in addition to the interconnection charges specified under the Telecommunication Interconnection Usage Charges Regulation, 2003 (4 of 2003) made under the Act.

Rajendra Singh
Secretary

IndiaCode

Note.---. An Explanatory Memorandum below explains the provisions of these regulations.

EXPLANATORY MEMORANDUM

1. Intelligent Network (IN) as a concept was born amidst the inability of the competing Service Providers to offer advanced Services to their subscribers in the face of dissimilar Service implementation in the Switching Systems supplied by different vendors. Intelligent Network is a Telecommunication Network Architecture for provisioning of advanced Services quickly.

2. IN Services add value to Voice and Data Bearer Services through Number Translation, Alternate Billing etc. These features are provided with the help of Network databases (also known as Service Control Points – SCPs) endowed with query-response protocols using which the underlying bearer Network entities such as PSTN/ ISDN Switches, Mobile Switching Centres (MSC) and Media Gateways (MG) communicate with it. The bearer Network entities designated to communicate with the SCPs are known as the Service Switching Points (SSPs).

IndiaCode

3. With respect to the physical Architecture, the SCPs and the SSPs can be within the same Node, co-located or remotely located and communicate over the SS7 signalling Network. The rest of the bearer Network entities are independent of the IN Nodes. This independence lets the Network providers to utilize the same IN Infrastructure for a variety of Networks viz. Fixed, WLL-F, WLL-M, Cellular Mobile, VoIP. Therefore, IN can provide twin advantages of new revenue streams and investment protection.

4. With the induction of new Basic and Cellular Operators in the Indian Telecommunication network, a Multi-Operator environment has emerged and therefore Authority decided to constitute an Expert Committee (herein after referred as committee) vide its Order no. 416-2/2003-FN, dated 28th February 2003 on IN Services in Multi-Operator Multi-Service scenario. The Committee included members from TRAI, DOT, TEC, CDOT, NLDOs & ILDOs (BSNL, VSNL, Reliance, BTSOL), MTNL and other Access

Providers represented through Associations of Operators, i.e. COAI and ABTO (now AUSPI).

5. The Authority had mandated the Committee mainly to finalize necessary Technical and Regulatory inputs as may be required for the introduction of Intelligent Network (IN) Services based on the IN platform and Inter-Network accessibility in a Multi-Service Multi-Operator environment in the country along with consideration of Network Architecture, Interconnection, Interoperability and Charging and Billing issues.

6. The Committee held a number of meetings to deliberate upon the issues and submitted its Report in September 2005. In its Report, the Committee observed that from a Regulator's perspective, Intelligent Network (IN) Services pose a challenge due to

- Non-availability of B number, i.e. Called Party Number at the Originating Network Interfaces, in many cases.
- Alternate billing options, i.e. Calling Party pays in full or part,
- Called party pays in full or part or a third party pays, and,
- Distributed location of Functional Entities,
- Difficulties in transparent application of the Interconnect regime that could be termed as equitable and mutually beneficial to the Interconnecting operators.

7. Authority analyzed the Committee's Report in great detail and observed that there was consensus among all Service Providers for sharing their Intelligent Network (IN) platform. The Authority also observed that there is consensus among all service providers on all issues except Architecture.

8. Authority also examined all the pros and cons of all the three Architecture suggested by the Committee in the background of the present License conditions of various categories of Service Providers.

IndiaCode

9. IN Services as defined in TEC Generic Requirement (GR) document are shown in Appendix-I, Table 1. The Table also defines present allocation for Intelligent Network (IN) Services in the National Numbering Plan (NNP) 2003 and Rental/ Revenue Share components.

10. It was also noted by Authority that, in most of the developed countries, Intelligent Network (IN) Services are easily accessible by all the users. As such, any subscriber of any Access Provider is able to access the Intelligent Network (IN) Services provided by any other Service Provider from anywhere in the Access Provider's Network**.** In contrast, in India at present subscribers are able to access the Intelligent Network (IN) platform of their own Access Service Provider only.

IndiaCode

11. All telecom Service Providers in India operate their Network under the provision of their respective licenses granted by Department of Telecommunication. The operators have been granted full freedom by the licensor to deploy technology of their own choice within their Network. Also, Intelligent Network (IN) Service is not a separate Service, as neither New Telecom Policy (NTP) 99 recognizes this as a separate Service nor licensor has categorized it as a separate Service. It is a Network Architecture wherein centralized logic is built in to enable the Service Providers to provide services to its customers in their licensed Service Areas as per the terms and conditions of their License.

12. Taking all these aspects into account, the authority released a draft IN regulation dated 02.12.2005 to all the stakeholders for consultation. This draft regulation discussed various issues, in particular three different network architecture suggested by IN committee.

13. The regime notified in this draft regulation took account of all the divergent inputs on number of issues provided during the consultation process. The Authority thus had to weigh the various inputs and licence conditions and an attempt has been made to provide a regulation which mainly caters towards benefits to the consumers. This regulation was a step toward the

overall policy framework being developed by the Authority for improving the availability of modern telecommunication services across the country.

14. The draft Regulation recalled many issues in particular wide range of issues arising out of implementing one or other architecture. The extensive comments were received from the stakeholders as written submission and during the meeting held with COAI, AUSPI and BSNL. Authority further analyzed the matter especially regarding Implementation Architecture and decided to have a meeting with the service providers on 08.08.06. Summary of the main comments are as follows:-

15. <u>Summary of the main comments of Stakeholders:-</u>

i) Network architecture wherein the SSP of originating access provider connects to the SCP of the interconnecting operator over CCS-7 link for authentication and other purposes has a number of technological pitfalls, integrating SSPs based on different technologies within existing SCPs is a difficult task.

ii) It would be very difficult and cost prohibitive for any Access Provider to not only procure SCP equipment to cater to its own customer base but also to size it for current and future customer base of all other Access Provider's in the absence of any knowledge of the business plans of the competitor.

iii) For services which rely only on signalling network, and do not rely at all on bearer network, this would require investment on small signalling platforms to be able to screen and account signalling messages and generate CDRs for inter-operator billing.

iv) Appropriate TEC GR does not define the capability set for SCPs supporting all protocols on one platform. In the absence of this and limitations of existing SCPs, implementation and that too uniform implementation across all operators is doubtful.

IndiaCode

v) IN service is a value addition over Basic services. Such value added services have so far not been regulated by TRAI. Accordingly, IN services also need a similar treatment.

vi) All efforts should be made for Integrating SSP of all technologies with SCP of different technologies as SSP of one Service Provider interacting with SCP of different Service Providers at signalling interconnect level is the final solution for all kind of IN services. Protocol for IN services needs to standardized.

vii) There is an overlap in the domains of Access Providers and NLDOs and the service can be provided jointly by Access Provider and NLDO. These services will yield the best result if left for mutual arrangements to be made amongst the operators.

viii) Commercial arrangements and revenue share for IN services should be left for the mutual negotiation between the operators.

ix) IN regulations should be in conformity with the various court orders/license agreements/commercial requirements.

x) Security aspect will need to be kept in mind while finalising the IN Regulation.

xi) The issue of interconnect seeker and interconnect provider will need to be addressed.

xii) A list of allowed / not allowed services should be given to help in avoiding potential misinterpretation of the Regulation and subsequent litigations.

xiii) In order to avoid ambiguity and achieve the objective of providing free choice to all subscribers for IN services of all Intelligent Network Service Providers (INSPs), very clear billing, charging and

IndiaCode

revenue share guidelines for each type of IN service need to be specified.

xiv) The start up cost for IN services and also for continued investment for platform upgrades for deployment in a Multi Operator, Multi Service environment will have to be borne by INSPs.

xv) The issue who provides intelligent peripherals (like announcement) needs to be addressed.

xvi) How the location based IN services – when accessed by a subscriber of other access provider will be handled.

xvii) Issue of how the national and international roamers could use the IN services needs to be addressed.

xviii) There are chances of misuse, if 18xx call is handed over by the access provider to the INSP. Access provider will not able to know what service INSP is providing, once call is handed over to INSP.

xix) The interest of access provider should be protected.

xx) There are IN service providers (generally vendors) outside India who already have infrastructure and workable architecture for providing these services. These models should be studied and analysed in our context. Option of IN services provided by the third parties should also be explored.

16. <u>Analysis of the issues</u>

The Authority has taken the various comments and inputs into consideration and analysed the matter in details. The views of the Authority on main issues are as follows.

IndiaCode

i) The Authority observed that most of the service providers are of the opinion that integrating SSP based on different technologies with an existing SCP of other operators may not be feasible at all times. Inter-working of SSP and SCP of different vendors may require software and hardware modification. This may be time consuming process. This may also add unnecessary cost to the operators. Because of this, most of the service providers are of the opinion that SSP and SCP are to be owned by the Service provider who is providing IN services and All access provider would hand over the 18xx(IN) calls as voice call to the closest POI switch designated for this purpose.

ii) Authority has also noted the points made by the representatives of MTNL that integrating SSP based on different technologies with an existing SCP of other operators would be the final solution for all IN services. Authority has also noted that TEC GR does not define the capability set for SCP supporting all protocols at one platform. Therefore, operator may also require to implement different protocols for fixed line, wireless (WLL(M), WLL(F), Cellular) etc. Therefore Integrating SSP of one service provider with all SCP of all other service providers would be a time consuming process.

iii) In view of the above, Authority is of opinion that exact implementation of the architecture should be left open to the operators. They themselves may decide the Architecture on case-by-case basis.

iv) A crucial factor in favour of leaving architecture open for service providers is that IN service would get implemented quickly at least for Free Phone service and VCC. The Authority has also noted the technical difficulties in implementing location based Intelligent Network Services as well as provision of services through Intelligent Peripherals in case the architecture is specified. IN committee also recognised that Free Phone and VCC (Voice

IndiaCode

Calling Cards) should be the first set of IN services to be implemented.

v) Authority has also noted the fact that as of now all operators have dimensioned their IN resources as per their own requirements and subscribers base. Once it is opened for interconnection with other operators there may be requirement of more signalling links and other resources like enhancement of Intelligent Peripherals etc. In fact, requirement of signalling will increase substantially as many IN services rely more on signalling network i.e. tele-voting etc. There may also be some legacy switches in the incumbent's network which may require extensive up-gradation in hardware and software.

vi) Therefore, Authority is of the opinion that one more month after agreement be required to the operators for implementing the IN in multi operator multi network scenario after their mutual agreement take place. Authority expects that at many places implementation may happen in a shorter span where switches do not require much up-gradation or no up-gradation at all.

vii) Authority considered the fact that signalling information may cross the boundaries of the service area to make IN services available nationwide, it may lead to usage of SCPs of NLDOs by Basic Operators / CMSP / UASL as provision of the services by Access Provider is limited to their service areas only. Authority has also noted that as per license conditions NLDOs / ILDOs cannot access subscriber directly. In a communication to one of the NLDOs on 28.10.2005 the licensor had clarified that Toll Free number services and split charge (UAN) services by NLD operator is in contravention to the NLD license conditions because these services are subscriber based and an NLDO cannot directly access the subscriber in terms of clause 2.2 (a) of NLD license.

IndiaCode

viii) In this regard, submission has been received from one of the NLDOs on 15.09.06 wherein it was requested that decision on the subject of IN regulation should be in the perspective of its general applicability and need of the industry taking care of the interconnection issues of the IN network/services of the Long distance Service Providers as well. It further mentioned that any restriction on provision of IN based bearer services by the Long distance operators would tantamount to rewriting of the license provision of these Long Distance operators in terms of placing new prohibitions in the license.

ix) Authority has taken note of the submissions of the NLDO and of the view that all service provider should provide the IN services as per terms and conditions of their Licenses and legal position and access the subscriber only if they are permitted to do so by the licensor.

IndiaCode

x) During the meeting with Cellular Operators' Association of India (COAI), members of the Association mentioned that charging and revenue sharing guidelines for each type of the IN Services need to be specified. But for this purpose COAI has not been able to provide the relevant data for analyzing the above requirement, yet.

xi) Authority has taken note of the fact that in general members of the Committee were of the opinion that charging, billing and sharing of the revenue depends on the service features and therefore, charging, billing and sharing of revenue for resources used for IN Services may be decided by the concerned service provider through mutual commercial arrangement. The Authority accordingly, accepts the suggestion of the Committee in this regard. However, Authority is also in the process of finalising the standard agreement which would be applicable if service providers are not able to arrive at mutually acceptable agreement within a

specific time. Authority would also ask the relevant data from the service providers shortly.

xii) IN Services as such, is not a separate class of Services Neither NTP' 99 recognizes this as a separate Service nor has licensor categorized it as a separate Service. It is only a different means of providing a service. Therefore, Interconnect Usage Charges (IUC) as applicable from time to time will apply for the IN services provided by operator in multi-operator multi-network scenario. Interconnect Agreement between Service Providers shall include Intelligent Network (IN) access.

xiii) In the interest of security, the Service providers shall make suitable arrangement so that Service providers in mutual association can provide data records of all the calls handled by them as per the requirement of Security Agencies/License Conditions.

IndiaCode

xiv) During the meeting, members of the COAI have also raised issue of seeker and provider for IN Services. As mentioned above, IN service as such is not a separate class of service, it is only a means of providing advanced services. Therefore, there is no separate case of seeker and provider in this scenario. Present Point of Interconnection (POI) will continue for IN Services also. There would be only additional requirement of signalling links which may be mutually negotiated among the service providers.

xv) As set of IN services currently defined are all Circuit Switched or Packet Switched Voice Services, the Quality of Service (QoS) already mandated for voice services, shall apply. Therefore, all Service Providers involved will be required to ensure that there shall be no dilution in the Quality of Service (QoS) standards applicable to the underlying Bearer Network.

xvi) The Numbering plan for the IN Services shall be as per applicable National Numbering Plan (NNP). All Service Providers shall ensure that IN Services on Multi-Operator, Multi-Network platform are launched after getting adequate Access Code allocations from the NNP Administrator (Licensor).

IndiaCode

APPENDIX-I

Table 1
IN Services as Defined in TEC GR's

IN Service	Paying Party	Old Levels	Level as per National Number Plan 2003	Network Charge	Information Charge	Rental/ Revenue Share
Freephone (National)	Called	1-600	1-800	Yes	No	Rental
Universal Access (Local)	Calling	1-901	1-860	Yes	No	No
Universal Access (Long Distance)	Calling & Called	0-901	0-901	Yes	No	Rental
Virtual Private Networks (VPN)	Group ID	1-901	1-801	Yes	No	Rental according to VPN size.
Tele-voting (Chargeable to caller)	Calling	1-902	1-803	Yes	No	Yes. (subscriber)
Tele-voting (not chargeable to caller)	Caller	1-603	1-861	Yes	No	Yes. (subscriber)
Prepaid calling (VCC, ACC, CCC)	Card	1-602 (VCC) 1-604 (ACC)	1-802 (VCC) 1-804 (ACC)	Yes	No No	No No
Premium Rate	Calling	0-900	0-900	Yes	Yes	Yes
Universal Personal Telecommunication	Calling & Called	0-902	0-902	Yes	No	Yes

IndiaCode

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART III, SECTION 4

New Delhi
the 16th January 2007

IndiaCode

CORRIGENDUM

-----In the notification of the Telecom Regulatory Authority of India No.416-2/2003-FN dated the 27th November, 2006 published in the Gazette of India, Extraordinary, Part III, Section 4 on the 27th November, 2006, page 23, line 10, for "Regulations, 2006", read "Regulations, 2006 (13 of 2006)".

(R.K. Arnold)
Secretary

TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

INTELLIGENT NETWORK SERVICES IN MULTI OPERATOR AND MULTI NETWORK SCENARIO (AMENDMENT) REGULATIONS, 2012

(17 OF 2012)

NEW DELHI, the 18th September, 2012

No. 416-1/2010-I&FN .-----In exercise of the powers conferred by section 36, read with sub-clauses (ii), (iii), (iv), (vi) and (vii) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations to amend the Intelligent Network Services in Multi Operator and Multi Network Scenario Regulations, 2006 (13 of 2006), namely:-

indiacode

1. (1) These regulations may be called the Intelligent Network Services in Multi Operator and Multi Network Scenario (Amendment) Regulations, 2012 (17 of 2012).

(2) They shall come into force from 18.09.2012.

2. In regulation 10 of the Intelligent Network Services in Multi Operator and Multi Network Scenario Regulations, 2006 (13 of 2006) (hereinafter referred to as the principal regulations),.....

(a) after sub-regulation (2), the following sub-regulation shall be inserted, namely:-

"(2A) All Eligible Service Providers providing Intelligent Network Services shall enter into interconnection

agreement with all Access Providers under regulation 3 on such commercial and technical arrangements or agreements, as may be mutually agreed between them;"

(b) in sub-regulation 3, for the words, figure and brackets "sub-regulation (2)", the words, figures and brackets "sub-regulation (2) and sub-regulation (2A)" shall be substituted;

(c) after sub-regulation (4), the following sub-regulation shall be inserted, namely:-

"(4A) Every arrangement or agreement under sub-regulation (2A) shall be entered into within ninety days from the date of commencement of the Intelligent Network Services in Multi Operator and Multi Network Scenario (Amendment) Regulations, 2012 for providing Intelligent Network Services to subscribers of Access Providers:

Provided that every Eligible Service Provider who starts offering Intelligent Network Services on or after the date of commencement of the Intelligent Network Services in Multi Operator and Multi Network Scenario (Amendment) Regulations, 2012 shall enter into arrangements or agreements under sub-regulation (2A) with all Access Providers within ninety days from the date of commencement of such service:

Provided further that every arrangement or agreement under sub-regulation (2A) shall be entered into with the Access Provider who starts providing services after commencement of Intelligent Network Service in Multi Operator and Multi Network Scenario (Amendment) Regulations, 2012 within ninety days from the date of commencement of service by the Access Provider:

IndiaCode

Provided also that in case any Eligible Service Provider fails to enter into arrangement or agreement under sub-regulation (2A), the Authority may, on an application made by the concerned service provider and having regard to the interest of the service providers and consumers of the telecom sector, extend the said period of ninety days to one hundred eighty days";

(d) in sub-regulation (6), for the words, figure and brackets "sub-regulation (2)", the words, figures and brackets "sub-regulation (2) and sub-regulation (2A)" shall be substituted;

(e) in sub-regulation (7), for the words, figure and brackets "sub-regulation (2)", the words, figures and brackets "sub-regulation (2) and sub-regulation (2A)" shall be substituted;

(f) in sub-regulation (8), for the words " Basic Operator, Cellular Mobile Service Provider or Unified Access Service Provider", the words "Eligible Service Provider shall be substituted.

3. In regulation 11 of the principal regulations,.....

(a) in the heading, for the words, figure and brackets "sub-regulation (2)", the words, figures and brackets "sub-regulation (2) and sub-regulation (2A)" shall be substituted ;

(b) in sub-regulation (1),....

(i) for the words "Basic Operators, Cellular Mobile Service Providers or Unified Access Service Providers", the words "Basic Operators, Cellular Mobile Service Providers, Unified Access Service Providers or Eligible Service Provider" shall be substituted;

IndiaCode

(ii) for the words, figure and brackets “sub-regulation (2)”, the words, figures and brackets “sub-regulation (2) and sub-regulation (2A)” shall be substituted;

(Rajeev Agrawal)
Secretary

IndiaCode

Explanatory Memorandum to the "The Intelligent Network Services in Multi Operator Multi Service Scenario (Amendment) Regulations, 2012 (17 of 2012)

1. Introduction – Intelligent Network Services

1.1 To facilitate the subscribers of an access provider to access the Intelligent Network (IN) Services provided by any other service provider, in exercise of the powers conferred upon it under section 36, read with sub-clauses (ii), (iii), (iv), (vi) and (vii) of clause (b) of sub- section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997, Telecom Regulatory Authority of India (TRAI) issued "Intelligent Network Services in Multi Operator Multi Service Scenario Regulations, 2006 (13 of 2006)" on **27th November 2006**.

IndiaCode

1.2 The said regulations are in force. As per these regulations, service provider is required to enter into arrangement/agreement with other service provider within 90 days from the date of commencement of these regulations for providing intelligent network services to subscribers of other telecom service providers and these arrangements or agreements to come into force within 30 days from the date of entering into such arrangements or agreements. The regulations envisaged quick implementation of at least Free Phone service and Virtual Calling Cards (VCC).

2. Need for Amendment

2.1 The Authority sent recommendations on "Provision of Calling Cards by Long Distance Operators" to the Department of Telecommunications (DOT) on 20.8.2008. The Authority recommended that License conditions of the National Long

Distance (NLD) and International Long Distance (ILD) license may be amended to allow National Long Distance Operators (NLDOs) and International Long Distance Operators (ILDOs) to have direct access to consumers, through calling cards, for provision of national and international voice telephony services, respectively

2.2 DoT vide their letter dated 31.8.2009 informed that TRAI's Recommendations have been accepted by the competent Authority. While accepting the recommendations necessary amendments in NLD and ILD Licenses have also been carried out.

2.3 Subsequent to acceptance of TRAI's recommendation by DOT and simultaneous resultant amendment in the related clauses of the NLD and ILD Licences agreement, NLDOs have become eligible to access the subscribers directly for provision of national long distance voice services through calling cards and ILDOs have become eligible to access the subscribers directly for provision of International long distance voice services through calling cards only.

2.4 The Authority has noted that Intelligent Network Services in Multi Operator Multi Service Scenario Regulations, 2006 (13 of 2006) was issued on 27th November 2006 (hereinafter referred to as IN regulations) to facilitate the subscribers of an access provider to access the IN Services provided by any other service provider.

2.5 Sub regulations (2), (4) and (6) of Regulations 10 of the IN Regulations lay down the time period for entering into agreement and submission of the same to the Authority. It has been noted that there is no specific time frame in the IN regulations for the service providers who become eligible to provide IN services subsequent to the date of issue of IN regulations.

IndiaCode

2.6 Amendment to the IN regulations is therefore considered necessary so that service Providers can enter into agreement with all other service providers who are already providing IN based services or would start IN based services at a later date in a time bound manner in the consumer interest.

3. The Review Process

3.1 Considering the need for amendment to the IN Regulations, draft Amendment to the IN Regulations was uploaded on TRAI's website on 12.10.2010 for obtaining comments/ counter comments from the stakeholders. Initially the last date for submission of comments was 27.10.2010 and for counter comments was 3.11.2010. However, on the request of some service providers, the last date for receipt of written comments was extended up to 12.11.2010 and for counter comments up to 19.11.2010.

IndiaCode

3.2 Comments were received from 10 stakeholders including 8 service providers and 2 service providers' associations. Counter comments have been received from 2 stakeholders. Subsequent to last date of counter comments, counter comments have also been received from 3 stakeholders i.e. Bharat Sanchar Nigam Limited (BSNL), Bharti Airtel and Association of Unified Telecom Service Providers of India (AUSPI). However these have not been uploaded on TRAI's website but the important points have been taken note of.

3.3 The Authority has taken into account various comments of the stakeholders provided in writing in response to the draft regulations. In view of the fact that the IN regulations are already in force and the need for the amendments mainly arose due to the acceptance of the TRAI's recommendations, which were sent to the

Government after due consultation with the stakeholders and also the fact that amendment to the IN regulations would facilitate time bound agreement between the service providers for providing inter operator IN services and in the larger consumer interest, the amendment to the regulations is limited in nature and therefore open house discussions were not felt necessary.

3.4 In the following paragraphs the main issue raised by the stakeholders have been examined.

3.5 Summary of the main comments of Stakeholders:-

(i) DoT and TRAI have permitted calling cards from 21st August 2009 but even after laps of mare than a year no NLD/ILD could finalise any interconnect agreement and offer calling card services, the proposed amendments in IN regulations are welcomed.

(ii) Reference to definitions of NLDOs and ILDOs should be placed within the Para 2 of the IN regulations 2006.

(iii) The originations charges payable to the Access Provider by NLDOs/ILDOs for VCC services should be specified on the basis of cost based charges.

(iv) Authority may publish standard interconnection draft for IN interconnection agreement to be used alternatively in case the service providers are not able to agree and sign interconnection in the stipulated time.

(v) TRAI should mandate that all operators shall exchange traffic for IN based calling cards at existing POI, no separate Trunk Groups needs to be created for this traffic.

IndiaCode

(vi) Intervention of TRAI for evolving IN regime vide regulations and directions much appreciated and pave the way for achieving telecom consumer satisfaction.

(vii) Keep the proposed amendment in abeyance and the same may be taken up for review with consultation paper.

(viii) Should be discussed with the consultation paper on "Revenue sharing arrangement for IN services" dated 3rd November 2010.

(ix) Proposed amendment will enhance competition and consumer benefit. The same may be notified at the earliest.

(x) The Authority has no power of framing regulations on the subject matter. Till the matter regarding regulation making power is finally decided by the Hon'ble Supreme Court, no new regulations or amendment to the existing regulations may be carried out.

IndiaCode

4 Analysis of the issues

4.1 The Authority has taken the various comments and inputs into consideration and analysed the matter in details. The views of the Authority on main issues are as follows.

4.2 Regarding the comments on inclusion of the definitions of NLD and ILD in the regulations, it has been noted that in the Regulation 2 (n) it has been already mentioned that all other words and expressions used in these regulations but not defined, and defined in the Act and the rules and other regulations made there under, shall have the meanings respectively assigned to them in the Act or

the rules or other regulations, as the case may be. Since the definitions are already given in the respective licenses and eligible service providers are defined in the regulations with respect to the terms and conditions of the license, no need is felt to include the definitions of NLD and ILD in the regulations.

4.3 On the various points raised by the stakeholders regarding prescribing the originations charges payable to the Access Provider by NLDOs/ILDOs for VCC services, publication of standard interconnection draft for IN interconnection agreement, mandating exchange of traffic for IN based calling cards at existing Point of Interconnection (POI) etc. is concerned, the objective of the amendment is to facilitate agreements between the service providers in a time bound manner and also to provide them full flexibility to enter into agreement on mutually agreed terms and conditions. As per regulations, in case such service providers fails to enter into agreements or arrangements within the stipulated time, they have to intimate within fifteen days of such failure to the Authority with complete details thereof and after examining such failure and details furnished by the service providers, in accordance with sub-regulation (8) of regulation 10, the Authority would specify the interconnection arrangement.

4.4 On the issues raised by BSNL and Mahanagar Telephone Nigam Limited (MTNL) regarding regulation making power of TRAI, it is mentioned that the power of the Authority to frame the "Intelligent Network Services in Multi Operator Multi Service Scenario Regulations, 2006 (13 of 2006)" dated 27th November 2006 is not subject matter of any dispute/challenge. There is no impediment to the statutory power of TRAI to amend the regulations.

****

IndiaCode