Background

- The Policy is in response to the changing paradigm for the provision of Telecommunications Services;
- Services are being provided over a integrated platform
- Currently licensing is for separate services
- Public Consultation was conducted on the formulation of Policy for Convergence
Definitions...

Definitions were provided for Convergence, digital convergence, technological convergence and telecommunications convergence. Convergence is as a direct result of “digitization” and its marriage to packet switched protocols creating New generation Networks.

Scope of the proposed Policy on Convergence

Examines the inclusion of the regulation of Broadcast content; Identifies and examines the implications of regulating in a converged packet switched paradigm using IP protocols.
Convergence Policy Issues

- Merging the regulation of content with other telecommunications issues;
- Need for the review of the licensing regime;
- FBO and SBO Licenses
- Service provision without physical presence;
- Virtual Network Operators
- Number Portability and ENUM
- Emergency services Access
- Security and Consumer Protection Issues
- USO
- QSO

Regulation of Broadcast Content

- Digitization of all content and its provision over converged networks make discerning the nature of what is being transported difficult
- Telecommunications Regulation typically focuses on transitioning to competition
- Content regulation social and cultural considerations
- Difficult to “converge” both
Review of licensing

- Technology neutrality is necessary but not sufficient
- Consideration should be given to general authorizations with registration process for additional services
- Two broad categories FBOs and SBOs could be used
- All of same category should have same privileges and obligations

Licensing of FBOs and SBOs

- Policy consideration - whether to encourage facility based competition or service based
- Policy should be based on evaluation of the status of the market
- United Kingdom has a system of general authorization for facilities based Operators who would then have a menu of options of the services they would be providing
Physical Presence

- VoIP providers don’t necessarily need physical presence for the service to be provided.
- Determination of whether a “service” is being provided the Act requires licensing.
- Can define service based on whether is a paid subscription.
- Consideration of the service being essential, regulated or has some level of competition and options available would be key.

Virtual Network Operators (VNOs)

- Issue currently being faced by ECTEL.
- Number allocation to Virtual Network operator based on a four principles:
  i) Number are national property and must be regulated by the State;
  ii) Geographical coverage of provider- is it nation wide
  iii) Are more than 6000 numbers required
  iv) There is no scarcity of numbers
Number Portability and ENUM

- Number portability at least one aspect already the subject of another public consultation
- Number Portability is desirable but cost benefit analysis of various types required to formulate Policy
- ENUM would be treated separately

Access to Emergency Services

- Licensed providers will be required to provide access to emergency services;
- Where technically not feasible then recordings of the limitations must be provided
- Issue is problematic and requires careful thought
Security and Consumer protection

- A requirement under the existing Act
- New dimension in a converged environment
- Need to re-examine the Relevant Confidentiality Regulations

Universal Service Obligations

- The new paradigm raises the issue of who should contribute and how the contributions are to be made
- The principle would be all licensed providers to contribute
- The difficulty would always be collecting from the providers without physical presence
Quality of Service

The key issue requiring decision would be who will be subject to QSOs and will there be a one size fit all approach.

The principle is that all providers will be subject to Obligations.

Primary providers and wholesalers should have different requirements however.

Level of existing competition in the market segment and availability of choice may be considerations for relaxing some of the parameters.

OPTIONS

ITU identifies three options for licensing in a converged environment:

1. General Authorizations replacing individual Licensing
2. Generic Licenses instead of Service Specific
3. Unified Licensing
General Authorizations

- The EU approach to have General authorizations for all electronic communications
- The idea is to have a single authorization and this would be flexible enough to cover all types of communication

Generic licences

- The approach adopted by Malaysia
- Application of four categories of licences
  1. Network facility providers
  2. Network service providers
  3. Applications Service Providers
  4. Content Application Service Providers
Unified Licensing Framework

- The model preferred by India
- Implemented in two phases
- First unified access for fixed and cellular
- Second define guidelines and rules for a comprehensive, fully unified licensing regime for all services
- This approach has problems with the current approach to Spectrum Management

Technology and Service Neutrality

- Technology neutrality and Service Neutrality not the same thing
- Technology-neutral licensing not necessarily synonymous with a single, umbrella licence that covers all services.
- Service Neutrality would envisage a single licence that would empower the holder to provide any telecommunications service or application
References

Several sources were accessed in the preparation of this document and are listed below:

Indian regulators web site www.trai.gov.in
Web sites of the NTRCs through the ECTEL website www.ectel.int
Global IP Alliance website www.ipall.org
ITU Regulatory Trends web site www.itu.int/ITU-D/treg

Thank you!