

Response to the Public Consultation on Voice Over Internet Protocol (VoIP)

Voice over IP (VoIP) has become an integral part of communication technologies around the world for both consumer and business users as more and more devices are built to communicate using VoIP. VoIP does not just provide a replacement for traditional telephones, but in fact provides a major shift in the way work, education, and entertainment are delivered over the internet. Blocking and crippling VoIP in Oman makes it impossible for Oman to participate in the global community and hinders our growth into a real information driven society.

A major flaw with the proposed regulations is that they do not make any distinction between VoIP services that connect to the Public Switched Telephone Network (PSTN) and those that don't. This is completely unreasonable because the proposed definition captures any service that incidentally to its primary business delivers voice over IP such as videogames and cooperative online workspaces. This cannot be right because it is not reasonable to require these services to fulfill the same obligations set for VoIP services that connect to the PSTN such as providing emergency calling services.

The TRA should remember that Article (3) of the Telecommunications Law states that the general policy for the telecommunications sector should be set as to endeavor "developing the telecommunications sector with the object to expand the scope of provision of telecommunications services to cater for the needs of economic and social development." and Article (7)(2) of the Telecommunications Law also states that the Authority should aim "To encourage the use of telecommunications services with the aim to facilitate the access to the global markets and information."

The goal of the regulation should be the expansion of the sector and the facilitation of access to global markets and information - NOT the protection of the interests of local telecommunication operators in making money off outdated inefficient services. With that in mind, the followers response has been made to the public consultation paper.

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Question 1:

Would allowing VOIP services be upsetting the level playing field in the telecom sector in Oman where the existing licensed operators have made substantial investments to establish core and access networks and are subject to terms and conditions for their performance especially the quality of service for the benefit of the consumers?

VoIP does not operate in a vacuum, for a consumer to use a VoIP service the consumer must have an internet subscription for which he has to pay the local ISP. The availability of VoIP would provide an incentive for consumers to subscribe to faster internet packages that provide a bigger amount of bandwidth and that would consequently contribute in driving higher internet penetration rates in the country at large and would provide bigger business opportunities for local ISPs. The investments local operators made in laying out internet cables, fiber optics, and other infrastructure would not be hurt by the mere availability of VoIP as users would still need to have an internet connection even if VoIP is available.

However, the use of VoIP would surely have an impact on the profits that local telecom operators make by charging extortionate fees for making international phone calls, but (a) that is the natural progression of technology as newer, more efficient, and cheaper technologies replace older, inefficient, and expensive technologies, and (b) the investments that the TRA claims to intend to protect were not made in laying the infrastructure necessary for making international phone calls, but the infrastructure needed for providing high bandwidth internet which has nothing to do with international phone calls.

The goal of the TRA should be to encourage the use of telecommunication services in order to facilitate access to information and global markets, and that would be achieved by allowing people to use the technologies that the rest of the world communicates using. The TRA should not try to protect the interests of companies by supporting them in continuing to charge extremely high charges for outdated inefficient technologies.

VoIP is not just a replacement for regular telephones, but an integral part of modern technologies for cooperative work, distance learning, and online entertainment. By blocking VoIP providers that are not present in the country, the TRA prevents the users in Oman from participating in the global community as there are no alternatives that local telecom operators can provide for us, for example, there is no alternative to the voice-chat service offered by Apple through the iPhone and the iPad that lets its users communicate using VoIP and video technology to chat among themselves. The fact that Oman is a very small market makes it impractical for every single company to come all the way to Oman just to register and satisfy the conditions of the TRA, and if you compare the negligible loss of business opportunity from the Omani market for such a multi-national and the loss of the Omani community for using the service, it would be clear that the biggest loser is Oman and not that business.

Similar arguments could be made about taxation and Omanization issues, the TRA should realize that the benefits brought about by the availability of VoIP services, such as the opportunity for the creation of jobs in Oman that take advantage of VoIP to execute their business, far exceed any short term benefit the government would make by the payment of taxes or the employment of a few Omani individuals at the company. It also does not make any sense to discriminate against VoIP providers on the basis that the society doesn't benefit from them because they pay no taxes and they hire no Omanis because the same

applies to all other internet businesses that we use from Oman such as Amazon and eBay, both of which cannot be logically blocked on these grounds.

The TRA should rightfully regulate providers of VoIP and other communication services when that service provider is located in the country, but should not regulate or block providers of VoIP services who operate from outside the country as that simply goes beyond their jurisdiction.

Question 2

Would a denial of basic requirements of an Omani subscriber in terms of commercial or technical breaches in the service agreement entered beyond the jurisdiction of Omani government be acceptable?

The users of the internet take risks on daily basis as they deal with any business on the internet, and yet these business are not blocked or restricted just because the Omani users of the internet may find it difficult to take legal action against them. For example, a Omani consumer could purchase a product from [Amazon.com](https://www.amazon.com) and have it shipped to Oman, another Omani consumer would buy a .COM domain name online from [GoDaddy.com](https://www.godaddy.com), and a third would buy an iPhone application from the Apple App Store, yet none of these companies at this point have any legal presence in the country and nobody seems to have a problem with that. This is acceptable because reasonable users of the internet understand that by making any transaction on the internet they would be taking some risk and they do use their common sense to deal with reputable companies only. Therefore I believe that it is acceptable to allow the users to make the decision for themselves in whether or not to take a risk by paying for a service on the internet.

Major online businesses - such as Skype - realize that they need to attract users from all around the world and provide extensive support for their users regardless of their location or the actual opportunity to have them legally prosecuted, this is due to the presence of other factors that force these companies to rectify a customer issue such as their desire to protect their reputation. So just because legal action is not an available remedy to a customer that does not mean that the provider of the service would disregard a claim by that customer.

Question 3

Should the licensees opting for VoIP services be subject to the obligation of provision of emergency services (like Fire, Ambulance, Police, Hospital, Public Disaster Management etc.)

I don't think that it is reasonable to require VoIP services to provide emergency services because not all VoIP services are connected to the PSTN. For example, a videogame business that uses VoIP as part of its game to allow the gamers to communicate during the game would qualify as a VoIP provider under the proposed regulations, but it cannot be logically required to offer the opportunity to dial to an emergency service from the game console.

The TRA should make a distinction between VoIP services that can connect to the PSTN and VoIP services that do not. For VoIP providers that operate from within the Sultanate of Oman, a requirement for them to provide emergency services may be reasonable. Alternatively they could be required to make a clear notification to their users at certain appropriate instances that their service cannot be used for emergency services.

Question 4

Should the licensees opting for VoIP services be subject to different level of Quality of Service obligations?

Yes, it is necessary to have a different level of obligations as a VoIP service might not necessary be connected to the PSTN.

Question 5

Is there a need to regulate and mandate interoperability between IP networks and traditional TDM networks while permitting VoIP services?

The TRA needs to make a distinction between VoIP services that connect to the PSTN and those that don't, because the proposed definition of VoIP encompasses both.

If the TRA feels the need to mandate the interoperability between IP networks and traditional TDM networks this obligation should only be imposed on VoIP providers that connect to the PSTN and operate from within the Sultanate.