INDIAN SPACE ASSOCIATION

ISpA

Bhumandal Se Brahmaand Tak

Consultation Paper (No. 9/2021)

Ease of Doing Business in Telecom and Broadcasting Sector: Comments by ISpA

1. At the outset, we thank the TRAI for the opportunity to provide comments on "**Consultation Paper on Ease of Doing Business in Telecom and Broadcasting Sector**".

Introductory Comments

2. The Consultation Paper has been thoroughly looked over through in-house brainstorming with Telecom and Broadcasting Industry Members as well as experts who have been working in related field. The ISpA has collated from inputs received from a wide variety of Telecom and Broadcasting Sector experts and industry which would include R&D, Production, Installation, Operators and Service Providers.

Issues Proposed by TRAI For Consultation

Q1. Whether the present system of licenses/permissions/registrations mentioned in para no. 2.40 or any other permissions granted by MIB, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a) Simple, online and well-defined processes

b) Simple application format with a need to review of archaic fields, information, and online submission of documents if any

c) ***Precise and well-documented timelines along with the possibility of deemed approval***

d) ***Well-defined and time bound query system in place***

e) ***Seamless integration and approvals across various ministries/departments with the end-to-end online system***

f) ***Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration***

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

Digitize DTH & Teleports approvals:

3. A comprehensive digital (online) and time bound process for all approvals/permissions/clearances/reporting across all relevant stakeholder departments and levels such as WPC/NOCC/ MIB/DOS.

4. It is our submission that the present system of seeking licenses/permissions/approvals, in present digital age, is very ponderous and time-consuming, often leading to delayed approvals. What is more, there seems to be a heavy reliance on a manual /physical approach for almost each and every approval process. This, too, takes time and makes the approval process less efficient.

5. Therefore, considering the points *a to f* raised under this question, **we suggest adopting the following measures to make the procedures and processes of the MIB more efficient and streamlined**: -

(a) Though the Ministry has taken steps such as introducing **"The Broadcast Seva" portal**, the same has not been made operational for the DTH sector and thus its implementation is awaited eagerly by the sector. We recommend this be **fast tracked immediately**.

(b) The **entire process at each level should be time bound with clearly specified time frame** and such timelines and status of the application should be available online with a tentative date of expected approval.

(c) All applications and **final approvals should be completely online** and downloadable.

(d) Application should be made available in a simple prescribed format and attached documents in check list format for grant of permission of licenses.

(e) The specific stages of 'Status of Application' should be available at all times on the online portal. This would help bring transparency to the process.

(f) The attachment size should be made flexible. In the past, we have been unable to submit applications because of the rigidity of the attachment size.

(g) **No physical submission of documents** should be required in the approval process including approval process moving from any one department to another department.

(h) Auto mail intimation to applicant as well as all concerned departments should be in place for any approvals, rejection, resolution, etc. of application and/ query.

(i) The digital signature should be endorsed and accepted by the Portal.

(j) The issuance of license and approvals should be time bound.

6. **To introduce a truly effective and meaningful online "single window" process wherein all relevant documents and fees can be uploaded, and the permission be issued online in a time-bound manner, would make the process truly effective.**

Q2. Whether the present system of licenses/permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a) Simple, online and well-defined processes
b) Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c) Precise and well-documented timelines along with the possibility of deemed approval
d) Well-defined and time bound query system in place
e) Seamless integration and approvals across various ministries/departments with the end-to-end online system
f) Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration
g) Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

7. DoT has successfully implemented a portal (saralsanchar.gov.in) that takes care of application and grant of registrations/authorisations & licenses. It is a well-defined process, and no modification is required in this mechanism.

Q9. Whether the present system of licenses/clearances/certificates mentioned in para no. 3.94 or any other permissions granted by WPC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a) Simple, online and well-defined processes
b) Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c) Precise and well-documented timelines along with the possibility of deemed approval
d) Well-defined and time bound query system in place
e) Seamless integration and approvals across various ministries/departments with the end-to-end online system
f) Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate

Give your suggestions with justification for each license/ clearance/certificate separately with detailed reasons along with examples of best practices if any.

8. A single window system is desirable for all the processes/approvals pertaining to satellite provided by DoT Satellite Cell, WPC & NOCC. The Saral Sanchar in itself can act as the single window and can track/present the status of each step in the approval process. All applications & approvals can be unified using the Saral Sanchar website.

9. The clearances issued by WPC can be divided into two parts.

(a) For Hubs/Gateways

(b) For VSATs

(c) For FMC Terminals

10. For Hubs/Gateways the process consists of three steps

(a) Issuance of Decision Letter (DL)

(b) SACFA

(c) Issuance of Wireless Operating License (WOL)

11. For VSATs the process consists of two steps

(a) SACFA

(b) WOL

12. The application for a DL is filed through the Saral Sanchar portal. The interface for filing the same is well defined. The portal also gives the status.

13. The issuance of a DL takes an enormous amount of time. In some cases, it has taken even two years for the issuance of the same. **The delays in the issuance of DL severely impacts both the initial setting up of a network and also every augmentation of bandwidth by the service provider. DoS begins to charge the service provider from the date of allocation of capacity. This further puts a severe financial stress on the service provider.** There are several reasons for delays in the issuance of the same. They are: -

(a) **Lack of delegation** - Every DL file (especially when new spectrum is being assigned) has to be approved by the Secretary Telecom. As a result, this file is routed through various levels and is finally approved by the Secretary Telecom. This takes a lot of time. As the satellite spectrum is a shared spectrum and not exclusively

assigned, the assignment of the same can be suitably delegated. Any such assignment of shared spectrum should be approved by the Wireless Advisor. In addition to this, each DL application is invariably routed through finance (LFP/LFA/WPF) for making sure that the service provider has made all requisite payments. This adds significant time to the process and can be eliminated by these agencies issuing a negative list of defaulters and the same can be taken into account by WPC at the time of issuance of approvals. It is pertinent to say that for better delegation and accountability, each stage of approval should be provided with a clear SoP and checklist of what needs to be checked. This will give a clear guideline to each approver.

(b) **Carrier by Carrier assignment instead of block assignment** - The decision letter is a decision to assign spectrum. In the case of satellite spectrum, the satellite is operating in a band and frequency as defined in the National Frequency Allocation Plan. If any satellite does not adhere to this plan, DOS does not permit the satellite operation in the country. WPC assigns the spectrum to earth stations, which is nothing but a "right-to-use" spectrum to access the satellite. Such spectrum assignment is internationally done as a block and not carrier by carrier. WPC should issue the DL confirming the block assignment and also endorse the carrier plan approval provided by NOCC. There is no requirement for WPC to do a carrier-by-carrier assignment defining the EIRP and other parameters on a per carrier basis.

(c) **Window Open/Window Close system** - Currently the administrative assignment of spectrum for satellite is done on an ad hoc basis with the approval of the Hon'ble Minister of Communications. This approval is provided for a period not exceeding six months. Once this approval expires, WPC again initiates for an ad

hoc approval, and this takes time. This causes delays in the entire process of assignment of spectrum. In many cases, the ad hoc approval takes a significant amount of time and causes uncertainty for the service providers and their customers. This method of assignment of spectrum should be done away with and a firm policy on the administrative assignment of spectrum should be adopted.

14. **SACFA** - The simplification of the SACFA process recently announced, should cover the Hub/Gateway antennas as well. It should be a deemed approval at the end of thirty days.

(a) In the case of LEO constellations, since the gateways have a large number of antennas, these antennas need to be considered as a single antenna for the purpose of SACFA. Else, the time taken and the cost for the approvals will be enormous and will delay the commissioning of such gateways.

15. **WOL -** The issuance of the WOL as a process is not covered by the portal today. This also needs to be brought under the ambit of the Saral Sanchar portal.

16. **Parallel processing of DL & SACFA applications** - Since the frequency of operation and operating power levels etc. are known (from NOCC approved link budget), DL & SACFA can be applied for in parallel and can be issued also in parallel. This will reduce the overall time taken and make the process parallel instead of being sequential.

17. **Approvals for VSATs -** As far as the VSAT sites are concerned, recently as a part of the Telecom Reforms, simplification has been done. This is a welcome step. However, after obtaining SACFA clearance for VSAT sites,

service providers are mandated to separately apply for WOL. This step is neither done through an online portal nor simplified. **The step of issuance of WOLs site by site should be done away with for VSATs.** The step of SACFA approval itself should include the WOL as well. The removal of WOL has been successfully implemented for mobile towers vide circular No. 20-271/2010-AS-I Vol.-II dated 2nd November 2016 issued by the Access Division. The same needs to be implemented for VSATs too.

18. Approvals for FMC Terminals - In the case of FMC terminals, there is no SACFA that is applicable. The process of issuance of WOL can be simplified and can be converted into a self-certified information rather than an approval.

19. As indicated in the Consultation Paper, if there are well defined timelines for each of the steps above as per the Citizen Charter, the same are not adhered to. Wherever possible deemed approvals should be implemented to meet the timelines stipulated. **At the end of the timelines stipulated (or on a deemed basis), approvals should be available in the portal to download. Paper approvals should be eliminated.**

Q10. Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a) Simple, online and well-defined processes
b) Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c) Precise and well-documented timelines along with the possibility of deemed approval

d) Well-defined and time bound query system in place

e) Seamless integration and approvals across various ministries/departments with the end-to-end online system

f) Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

20. NOCC provides two types of approvals

(a) Carrier plan approvals

(b) Conducts Mandatory Performance Verification Testing of antennas

(c) Uplink permission

21. In our opinion, both of these steps are very valuable for the performance of a satellite network. Carrier plan approvals ensure that there is strict adherence to the IR document issued by TEC and also ensure that the carrier parameters adhere to the various operating specifications of the space segment. Globally, this role is played by the satellite operators themselves. There is no single agency that approves carrier plans.

22. It is important to state that the recent revision of the FSS IR document has allowed for type testing & approval of antennas less than 3.8 Meters and this is a welcome step.

23. The process of issuance of Uplink permissions should be done away with. The WOL issued by WPC should be considered as the final step for up linking.

24. **As on date, the NOCC approvals are not online. They need to be integrated into the Saral Sanchar portal**. However, the approvals provided by NOCC are time bound. The main reason for this is that the process is well defined and rightly delegated. The DDG NOCC has adequate powers to issue these approvals and the process neither traverses multiple desks nor has any inter departmental issues.

Q11. Whether the present system of permissions/approvals mentioned in para no. 3.107 or any other permissions granted by TEC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

- ***a) Simple, online and well-defined processes***
- ***b) Simple application format with a need to review of archaic fields, information, and online submission of documents if any***
- ***c) Precise and well-documented timelines along with the possibility of deemed approval***
- ***d) Well-defined and time bound query system in place***
- ***e) Seamless integration and approvals across various ministries/ departments with the end-to-end online system***
- ***f) Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval***

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

25. As far as satellite communication goes, TEC plays two important roles:-

(a) **Publishing of IR documents that defines the various specifications**

(b) **Mandatory Testing & Certification of Telecom Equipment (MTCTE)**

26. Both these roles are rightly presented online through a well-defined portal. For the IR document, the stakeholder consultation happens offline and the same can be made online so that the comments provided by various stakeholders are transparently made available to everybody (similar to what TRAI does).

27. As far as MTCTE is concerned, the volume of gateway and terminal deployment in the satellite industry do not justify/warrant in-country testing of the products. The specifications for both EMI/EMC and the Essential Requirements mirror various international specifications for the products. Testing and certification by accredited international agencies should be considered until a time the domestic volumes/manufacturing reaches adequate levels to justify in-country testing.

Q12. What measures should be taken to ensure that there is no duplicity in standards or in testing at BIS, WPC, NCCS, and TEC? Which agency is more appropriate for carrying out various testing approvals? Provide your reply with justification.

28. **TEC MTCTE** - Environmental & Specifications testing - This is not duplicated in any other testing except that this is tested by the manufacturer of equipment through internationally accredited labs and the same should be accepted by TEC

29. **WPC** - Does not carry out any testing except resolving inter-services interference issues

30. **NOCC -** Tests antennas for performance verification - Not tested by TEC MTCTE and hence there is no overlap.

31. **NCCS -** The security parameters are not yet defined. However, it needs to be ensured that there is no overlap with the testing/certification by National Security Directive on the Telecom Sector (NSDTS)

32. **BIS -** Testing and certification of COTS IT equipment. Since many of the hub/gateway components are constructed using industry standard IT equipment, any equipment that is approved by BIS should not be put through any additional testing/certification as far as MTCTE is concerned.

Q13. Whether the present system of getting fresh and additional space segment capacity on Indian and foreign satellites for various services mentioned in para no. 4.15 or any other new service from DOS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of

a) **Simple, online and well-defined processes**
b) **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c) **Precise and well-documented timelines along with the possibility of deemed approval**
d) **Well-defined and time bound query system in place**
e) **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
f) **Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity**

Give your suggestions with justification for allocation of space segment capacity for each service separately with detailed reasons along with examples of best practices if any.

33. DoS as on date follows the INSAT Capacity Request Form process for capacity requests on both domestic and foreign satellites. Following are the issues with the current process

(a) There is no online portal for filing the requests and for status updates. This needs to be implemented

(b) Any filing of ICRF needs to be accompanied by a security deposit (ICRD) - This deposit is a financial burden on the service providers (especially the smaller service providers). This should be done away with.

(c) **Contracting terms** - The contracting terms for the space segment are currently very restrictive and one-sided.

(i) The Department of Space does not take any direct liability for the failure of the space segment. The contract states that any failure of satellite/capacity will be dealt with on a best effort basis, or the service provider can terminate the agreement. With DoS as the sole provider of capacity, this poses a substantial risk to the service provider and has to be suitably mitigated. DoS has to make suitable arrangements for standby/backup capacity and has to be directly liable for the failure of the space segment.

(ii) **Retrospective price revision** - The contract allows for a retrospective price revision and the same has been exercised by DoS in the past. This has led to litigations and the service providers incurring financial losses and loss of customers as a result of an abrupt increase in the price of capacity.

(iii) **Requirement of bank guarantees for securitization of space segment payments** - There needs to be an evaluation mechanism for evaluating the credit worthiness of the buyers of

capacity. The bank guarantees put an additional burden on the service providers. When the space segment charges are made in advance, this in itself should act as a protection mechanism to protect the commercial interests of DoS. So the requirement of bank guarantees should be done away with.

(iv) Charging of capacity should start only from the day when all the regulatory approvals are obtained. DoS being one arm of the Government cannot charge for capacity when another arm (DoT) is yet to provide approvals. While a ninety-day waiver mechanism was introduced, this mechanism is flawed as it expects the service provider to obtain approvals within ninety days, which is not feasible due to the inordinate delays in the provision of approvals by WPC.

(v) The contracting period currently is a maximum of one year. However, the service provider has long term commitments to their customers and has to back-to-back contracts for the space segment that adequately cover their commitments. The contracting period needs to be long term and at least a minimum of five years.

34. The DoS came out with a draft new spacecom policy, and it is our understanding that this is currently in the process of being approved before it can be notified and implemented. This process again has to be made more transparent, time bound and with deemed approvals. This process has to ensure that a list of approved/authorized satellites are published so that service providers can hire capacity from the approved/authorized satellites without going for further approvals to DoS.

35. All existing satellites that are currently being operated by DoS need to be immediately transferred to NSIL (a CPSE) and NSIL should be able to offer the capacity at market determined capacity rates.

Q14. Whether the existing procedures to acquire a license for providing satellite-based services in the existing framework is convenient, fast, and end-to-end online for the applicants? If not, what other measures are required to simplify the various processes to enable ease of doing business in India for satellite-based services? Give details along with justification.

36. The answers to the questions above sufficiently covers this aspect.

Q17. Whether the extant mechanism of reporting and filing at the SARAS portal and the offices of Controller of Communication Accounts (CCA) simple and user-friendly? If not, what measures are required to make it simple, transparent, and robust? Justify your comments.

37. The current portal is well implemented and simple & user friendly. No changes are required in the portal.

Q18. Whether any issues are being faced by the telecom service providers during declaration and verification of documents for deduction claimed from the Gross Revenue and special audits of revenue? If yes, provide your comments with the reasons thereof.

38. No problems being faced by VSAT Service Providers

Q19. What improvements do you suggest in the various extant audit processes conducted by DoT LSAs? How the process of the Customer Acquisition Form (CAF) audit can be further simplified? Provide your comments with justifications.

39. The LSAs ask for a lot of information with a very short notice. The data regarding the installations/subscribers, the IPDR information etc. are presented to LSAs through password protected websites. Many times, the reports that are asked for are redundant as this information is already made available in these portals.

Q20. What measures are required to be taken to simplify the various submissions/filings made by teleport operators, DTH operators, MSOs, and other stakeholders at MIB? Provide your detailed reply with justifications.

40. Presently, there are multiple (pre-defined) periodic as well as incidental filings (reports included) which a DTH Operator is required to file with the MIB.

41. Almost all of these filings are submitted in physical form, for example, even simple intimations. This poses challenges including for follow-ups with relevant departments/verticals within the ministry or any feedback loops.

42. **In this digital age, the process is highly time consuming and also has an impact on cost for the DTH operators.**

43. It can easily be made more efficient by enabling a single portal for facilitating such submissions. **Therefore, we recommend a simplified and common portal for periodic filings by operators**.
