

RJIL/TRAI/2024-25/250

26<sup>th</sup> November 2024

To,

**Shri Akhilesh Kumar Trivedi,**  
**Advisor (Networks, Spectrum and Licensing)**  
**Telecom Regulatory Authority of India,**  
Tower-F, World Trade Centre,  
Nauroji Nagar, New Delhi - 110029

**Subject: RJIL's counter comments on TRAI's Consultation Paper on "The Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023".**

Dear Sir,

Please find enclosed the counter comments of Reliance Jio Infocomm Limited (RJIL) on the Consultation Paper dated 22.10.2024 on **"The Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023"**.

Thanking you,

Yours Sincerely,  
For **Reliance Jio Infocomm Limited**

**Kapoor Singh Guliani**  
Authorized Signatory

**Enclosure:** As above

**Reliance Jio Infocomm Limited's counter comments on TRAI's Consultation Paper  
on  
"The Terms and Conditions of Network Authorisations to be Granted Under the  
Telecommunications Act, 2023" dated 22<sup>nd</sup> October 2024**

1. Reliance Jio Infocomm Limited (RJIL) thanks the Authority for giving us the opportunity to respond to stakeholders' comments on the Consultation Paper on the **"The Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023."**
2. At the outset, we reiterate the key points of our submissions as herein below:
  - **There is no need to create authorized entities that will not obtain any spectrum resources or offer any telecom services but will build/expand/upgrade neutral networks with active infrastructure elements. There is no need to introduce Digital Connectivity Infrastructure Provider (DCIP) Authorization or any more analogous authorizations.**
  - **The Authority should recommend only pure-play facility-based authorizations on the lines of current IP-I registration titled Passive Network Authorization. Other proposed network authorizations like DCIP are anti-competitive, conducive to arbitrage opportunities and will jeopardize network security.**
  - **In case authorization for DCIP entity and similar entities is recommended that these should be subject to same conditions as applicable to the telecommunication licensees, such as levying of license fee, to uphold the principle of level playing field and remove possibility of any regulatory arbitrage.**
  - **Satellite Earth Station Gateway (SESG) authorisation should be the only facility-based authorization for satellite-based communication services. The services such as telemetry, tracking and command (TT&C) should be brought within the authorisation framework under Section 3(1) as ground station as a service (GSaaS) authorization.**
  - **There is no need for bringing Content Delivery Network (CDN), under regulatory framework. Internet Exchange Point (IXP) services need to be brought under the ISP authorisation.**
3. We had the opportunity to go through the comments provided by various stakeholders and our issue wise submissions are provided in following paras.

**A. No need to create Digital Connectivity Infrastructure Provider (DCIP) Authorization.**

4. A few of the stakeholders have submitted that there is a need to create DCIP authorization, however, even among these stakeholders there is no unanimity on whether IP-I should be merged with DCIP or not, clearly belying the confusion this new authorization will create.
5. We reiterate that creation of active infrastructure in telecom is the implicit responsibility of the entities authorized to offer services and no third-party entity should be either required to nor be permitted to do such activities. **All third-party infrastructure creation should be done at passive infrastructure layer only.**
6. We reiterate that there is sufficient separation of layers with Virtual Network Operator (VNO) and Infrastructure Providers Category-I (IP-1s) and all new iterations will create confusion only.
7. For instance, DCIP will create unnecessary dilemma for IP-1s. The existing IP-1s, also desirous of offering active infrastructure for sharing, would be required to bring their current sharable passive infrastructure also under this authorization, with incumbent requirements to comply with conditions pertaining to active infrastructure. Further, this new proposed authorization will have no attraction for existing IP1s offering only passive infrastructure.
8. Furthermore, this will be an obvious and unambiguous cause of creation of arbitrage opportunities, besides creating an uneven playing field with competitive TSPs wishing to offer their infrastructure for sharing with other TSPs.
9. In case this authorization is introduced, the logical outcome for all TSPs desirous of sharing their infrastructure will be to acquire DCIP and save in license fee costs. Needless to reiterate that this will create **a chaotic regulatory environment in which the network creator will have a light touch authorization with minimal costs and compliance requirement and actual service provider will have all compliance requirement without actually owning/controlling the network leading to network security related issues even of the actual service provider who may be utilizing the resources of such network creators.**
10. We had unambiguously articulated the negative impact of DCIP and other analogous authorization on the sector in our comments to the Consultation Paper and we are not reiterating the same here for the sake of brevity. We request your good office to take these submissions in consideration before making any recommendations.

**B. No separate Authorization is required for in-building solutions (IBS).**

11. Similarly, many stakeholders have supported a separate authorization for establishing, operating, maintaining or expanding in-building solution (IBS) by any property manager. We submit that there is no need to create a separate authorization of IBS, as this will lead to monopolization of the IBS rights for each building.
12. The Access providers, creating the network through the auction spectrum have the sole right to transmit spectrum across the geography including the in-building locations. No third party right can be created for any person to utilize/transmit these frequencies in the name of In-building service provider.
13. Further, any specialized license to IBS providers will enable them to abuse their monopolistic position and charge very high charges the TSPs arbitrarily, thereby, creating denial of RoW permission to TSPs as well as good in-building service to consumers.
14. Due to distributed nature of buildings and their rights, even TRAI will not be able to regulate the IBS charges on the basis of cost. We have already highlighted the prevailing exploitative practices in IBS installation in our comments and submit that these should not be fostered by creating a new authorization for IBS and the Authority should leave the IBS installation to the operators and should not propose to create any third-party interfering in their TSPs networks. As far as sharing of IBS is concerned, TSPs has many examples where the shared IBS have been created by them through direct agreement without any need of third party.

**C. Network authorizations for Satellite based communication services.**

15. Some of the stakeholders have submitted that Satellite Earth Station Gateway (SESG) authorization should include permission to set up Baseband equipment and acquire frequencies. We do not agree with this proposal and submit that SESG should be only a facility-based infrastructure provider that can set up Gateway facilities and offer the same to service providers offering access services using satellite media.
16. This should be a pure-play facility-based authorizations without any spectrum assignment and existing licensees holding SESGs should also be permitted to offer this infrastructure to other service providers. This will supplement the infrastructure creation for satellite-based communication services to be offered under Access Services.

17. Some stakeholders have submitted that ground station as a service (GSaaS) providers need not be brought under the telecom authorization regime, however, we submit that the services to be offered by these entities such as telemetry, tracking and command (TT&C) come under the definition of telecom services under the Act and therefore need to be brought within the authorisation framework as ground station as a service (GSaaS) authorization under the Section 3(1) of the Indian Telecommunications Act, 2023.

**D. Content Delivery Network (CDN) are not permitted to create connectivity**

18. We submit that some of the stakeholders, while opposing any authorization requirements for CDNs have innocuously mentioned that the CDNs only require telecom connectivity to connect with their own centres or with TSPs and that either they acquire this connectivity through TSPs, or they create this connectivity on their own.

19. **We submit that this is a misleading position and CDNs or any other data centres are not permitted to create any sort of telecommunication connectivity on their own without acquiring a suitable license. Any such actions will be in violation of applicable law of the land.**

20. We request the Authority to take note of such submissions and unambiguously reject such incorrect claims. We reiterate that while CDNs do not perform any telecom activity and should be kept out of authorization framework, however, in case they seek to create connectivity on their own, then they should obtain a suitable authorization under the Telecommunication Act 2023.

**E. Internet Exchange Points (IXP) are part of the internet services.**

21. Some stakeholders have mentioned that there is no need to regulate IXPs as these entities provide only interconnection services to internet service providers on B2B basis. However, we submit that these are essentially internet services and as the current ISP license does not segregate the scope of B2B and retail services, these services should be offered under ISP authorization only.