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Attention: Shri Akhilesh Kumar Trivedi

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Subject: Consultation Paper on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023

SES S.A. (“SES”) welcomes the opportunity to provide comments to Consultation Paper on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023 (“Consultation”).

SES has a bold vision to deliver amazing experiences everywhere on Earth by distributing the highest quality video content and providing seamless data connectivity services around the world. As a provider of global content and connectivity solutions, SES owns and operates a geosynchronous orbit fleet (GEO) and O3b medium earth orbit (MEO) constellation of satellites, offering a combination of global coverage and high-performance services. By using its intelligent, cloud-enabled network, SES delivers high-quality connectivity solutions anywhere on land, at sea or in the air, and is a trusted partner to telecommunications companies, mobile network operators, governments, connectivity and cloud service providers, broadcasters, video platform operators and content owners around the world.

SES hereby provides responses, to TRAI’s specific questions in the Consultation, concerning authorisations for satellite-based services.

Q1. For the purpose of granting authorisations under Section 3(1) of the Telecommunications Act, 2023, whether the Central Government should issue an authorisation to the applicant entity, as is the international practice in several countries, in place of the extant practice of the Central Government entering into a license agreement with the applicant entity? In such a case, whether any safeguards are required to protect the reasonable interests of authorized entities? Kindly provide a detailed response with justifications.

SES Response to Q1:

Issuing authorisations in place of a license agreement would reduce or eliminate administrative and formal requirements for obtaining licences, thereby simplifying the process of granting authorisations under Section3(1) of the Telecommunications Act, 2023.

To safeguard fair competition, it will be necessary to ensure any differences between the authorisations granted under the Telecommunications Act, 2023 and already existing authorised entities are competitively neutral. Authorized entities and prospective holders of authorisations under the Act, providing the same service, should be subject to the same authorisation conditions.

Q2. Whether it will be appropriate to grant authorisations under Section 3(1) of the Telecommunications Act, 2023 in the form of an authorisation document containing the essential aspects of the authorisation, such as service area, period of validity, scope of service, list of applicable rules, authorisation fee etc., and the terms and conditions to be included in the form of rules to be made under the Telecommunications Act, 2023 with suitable safeguards to protect the reasonable interests of the authorised entities in case of any amendment in the rules? Kindly provide a detailed response with justifications.

SES Response to Q2:

An authorisation document, containing essential aspects or requirements of the authorisation, can be an appropriate instrument to grant authorisations under Section 3(1) of the Telecommunications Act, 2023. Enhancing the scope of authorisations, through terms and conditions, in the form of Rules to be made under the Telecommunications Act, 2023 would establish a general system of rights and obligations that applies to all applicant entities. The process of granting authorisations will be more straightforward, not requiring an exhaustive examination of each individual request such as by entering into a license agreement with applicant entities under current procedures.

Q4. In view of the provisions of the Telecommunications Act, 2023, what safeguards are required to be put in place to ensure the long-term regulatory stability and business continuity of the service providers, while at the same time making the authorisations and associated rules a live document dynamically aligned with the contemporary developments from time to time? Kindly provide a detailed response with justifications.

SES Response to Q4:

With the authorisations and associated rules being living documents dynamically aligned with contemporary developments, safeguards required to ensure the long-term regulatory stability and business continuity of service providers, would include:

- Ensuring flexibility to allow the authorisation regime accommodate future technological and market changes.
- Reducing administrative burdens and fees on market players, For instance, the USO levy of 5% of AGR paid as license fee should be exempt for VSAT service operators, considering the integral role of satellite for connecting the remotest areas. Likewise, consistent with TRAI's previous recommendations, Spectrum Usage Charges should be reduced from 4% to 1% of AGR regardless of data rates.
- Applying incentive mechanisms encouraging existing authorized entities transition to the authorisation framework. For instance, by waiving entry fees for renewal of authorizations.
- Ensuring transparency with regard to responsibilities associated with authorisations.

- Fostering close collaboration amongst appropriate authorities with regulatory and oversight responsibility of the authorisation framework.
- Referencing international and regional best practices to inspire and help harmonise authorisation approaches.

Q11. Whether there is need for merging the scopes of the extant GMPCS authorization and Commercial VSAT CUG Service authorization into a single authorisation namely Satellite-based Telecommunication Service authorisation under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

SES Response to Q.11:

SES neither supports nor sees the need for merging the scopes of the extant GMPCS authorization and Commercial VSAT CUG Service authorization into a single authorisation namely Satellite-based Telecommunication Service authorisation under the Telecommunications Act, 2023.

Evidently, the scope of GMPCS and Commercial CUG VSAT authorisations, being categories under the Unified License, are entirely distinct from one another and does not make them suited to be merged or combined into a single authorization. In this regard, The GMPCS authorization permits the authorised entity to provide, *inter-alia*, satellite-based telephony services and data services. On the other hand, the VSAT CUG authorisation permits the authorized entity to provide, *inter-alia*, satellite-based data connectivity between various sites of a user within the territorial boundary of India (i.e. data connectivity within a closed user group (CUG)), and backhaul connectivity to Access Service providers. The scope of VSAT CUG authorisation also provides that the authorized entity after obtaining ISP license may use the same Hub station and VSAT (remote station) to provide Internet service to subscribers, and in this case the VSAT (remote station) may be used as a distribution point to provide Internet service to multiple independent subscribers.¹ This is added to the current practice of including services to earth stations in motion, M2M and IoT devices, as well as In-flight and Maritime Connectivity Services, as permitted under the VSAT CUG authorisation.

A distinguishing feature of the GMPCS service as a personal communication system providing transnational, regional or global coverage from a single, or constellation of, satellite(s) is its accessibility using small and easily transportable terminals, and capability to provide telecommunication services directly to end users through their personal communications devices. GMPCS systems are also more likely to be integrated with non-terrestrial networks that anticipate connecting satellites directly to smartphones in collaborations between satellite and mobile network operators. VSAT's on the other hand support satellite-based services to enterprises through user terminals (i.e., earth stations) and Hub equipment.

A more efficient measure that would make the GMPCS and Commercial CUG VSAT license categories more fit for purpose, in the light of current satellite technological and market developments, is to amend and align their scopes more closely with internationally defined Mobile Satellite Services and Fixed Satellite Services, respectively. It is also notable, the GMPCS authorization permits the provision of

¹ Consultation, para. 2.62 at p. 49.

public telecommunication services whilst the Commercial VSAT CUG authorization permits the provision of non-public telecommunications and non-captive services. Another practical measure would be to categorize those services provided under the Commercial CUG VSAT license as public telecommunications and non-captive services. These, recommendations if implemented would make for an authorisation framework consistent with international best practices whilst avoiding the challenge of merging two authorizations which, as the Consultation notes², have generally mutually exclusive services under their respective scopes.

Q22. In view of the provisions of the Telecommunications Act, 2023 and technological/ market developments, -

(a) What changes (additions, deletions, and modifications) are required to be incorporated in the respective scopes of service for each service authorisation with respect to the corresponding extant standalone licenses/ authorizations/ registrations/ NOC etc.?

(b) What changes (additions, deletions, and modifications) are required to be incorporated in the terms and conditions (General, Technical, Operational, Security, etc.) associated with each service authorisation with respect to the corresponding extant standalone licenses/ authorizations/ registrations/ NOC etc.?

Kindly provide a detailed response with justifications.

SES Response to Q22:

With the adoption of In-Flight and Maritime Connectivity (IFMC) Rules 2018, and regarding provision of data services by IFMC providers, not holding a License under the Indian Telegraph Act, 1885, such companies are required to enter into commercial agreements with at least one licensee of (i) access service or ISP category A; and (ii) commercial VSAT CUG service or NLD service, having satellite gateway earth station within the service area of partnering licensee in case connectivity through satellite is used. As various GMPCS authorizations have since been granted, it would be appropriate to include GMPCS, along with Commercial VSAT CUG service, as a licensee with whom an IFMC provider could enter into a commercial agreement with for the provision of data services.

Q25. Whether there is a need for introducing any changes in the authorisation framework to improve the ease of doing business? If yes, kindly provide a detailed response with justifications.

SES Response to Q25:

SES would raise a question as to whether NOCC's role in approving satellite carrier plans and providing up-linking permissions is necessary or useful, especially as India's space-based communications sector is opened to greater private participation. In an environment with multiple satellite operators offering services in India (as foreseen by the new Space Policy), it is unclear whether the NOCC needs to continue in this role. In satellite markets around the world, this function is successfully managed directly by the satellite operator and the service provider and/or end users.

² Consultation, para. 2.63 at p. 49.



NOCC's role of approving every carrier plan may also unintentionally limit the deployment of new more flexible satellite offerings in the Indian market. Many satellite service offerings, for example, use automatic power control and adaptive modulation and coding to maintain links in adverse conditions. New satellite service offerings also include the possibility of automatically adding more bandwidth, changing the carrier size, or switching to different frequencies, to ensure that promised data rates are maintained or to adapt to overall system capacity demand. This latter capability is seen most vividly in new multi-orbit satellite service offerings using software-defined wide-area networking ("SD-WAN") that transparently switches and prioritizes the use of different GEO and non-GEO satellite connections depending on end user application requirements. The very need for NOCC approvals, limits the development of new flexible satellite service offerings that might otherwise be negotiated and arranged directly between the satellite operator, service provider and/or end users.

The current process of carrier by carrier assignment is cumbersome and does not allow for dynamic carriers that adapt to changing needs of customers. It is recommended, the need to obtain NOCC frequency plan approvals be rescinded.

Please contact me or my colleague, Daniel Mah (daniel.mah@ses.com), if you have any questions.

Yours Sincerely,

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