

File No. SIA-India/TRAI CP No. 7/2024

8 August 2023

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

Subject: SIA-India submission on TRAI CP No. 7/2024

Sir,

Greetings from SIA-India.

SIA-India is a non-profit body established with the objective of serving and promoting the common interests of the satellite communication ecosystem in India. We are actively involved in taking up issues concerning to space industry with a noble intention that as a nation, India receives international accolades in the space sector through continued success and sustained growth so as to bring in overall socio-economic benefits to its citizens.

As an Industry Association, we welcome the consultation paper on the Framework for Service Authorizations to be Granted Under the Telecommunications Act, 2023 and are pleased to provide our comments, which are enclosed as Annexure-1, for your kind perusal.

Regards



Anil Prakash
Director General
Satcom Industry Association

Enclosed: Anneure-1



**SIA-India Comments to
TRAI Consultation Paper No. 7/2024 on the Framework for Service Authorisations
to be Granted Under the Telecommunications Act, 2023**

SIA-India is a non-profit organisation established with the objective of serving and promoting the common interests of the satellite communication ecosystem in India.

As a trade association, we strongly articulate the need for certainty in the satellite industry which is absolutely vital to attract investments and ensure continued development of existing and new satellite capabilities.

With this in mind, the SIA-India is pleased to provide comments to the relevant questions, which we feel will impact satellite services as under:

Questionnaires and responses:

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.

Issuing authorizations in place of License can be beneficial, if it simplifies the process and helps in significantly reducing the time taken for obtaining such Authorizations.

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.

Issuing authorizations in place of License can be beneficial for the Service Providers, if it helps in simplifying the process and significantly reducing the time taken for obtaining such Authorizations.

The authorizations can contain validity, scope of service, list of applicable rules in easy-to-understand language & without any ambiguities along-with authorization Fee etc.

Also, the process of obtaining authorizations and the timeline should be distinctly spelt out.

Q3. In case it is decided to implement the authorisation structure as proposed in the Q2 above, -

(a) Which essential aspects of authorisation should be included in authorisation documents?

The essentials aspects of authorization in the authorization documents should include the Scope of Services, Security Conditions, Financial Conditions, Period of Validity etc.

(b) What should be the broad category of rules, under which, terms and conditions of various authorisations could be prescribed?

No Comments

(c) Whether it would be appropriate to incorporate the information currently provided through the extant Guidelines for Grant of Unified License and Unified License for VNO, which included, inter-alia, the information on the application process for the license, eligibility conditions for obtaining the license, conditions for transfer/ Merger of the license etc., in the General Rules under the Telecommunications Act, 2023?

The authorizations can contain validity, scope of service, list of applicable conditions explicitly in easy-to-understand language without any room for ambiguities or misunderstanding along with details of applicable charges etc.

(d) What could be the broad topics for which the conditions may be required to be prescribed in the form of guidelines under the respective rules? Kindly provide a detailed response with justifications.

No Comments

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.

Following safeguards may be put in place to ensure the long-term regulatory stability and business continuity of the service providers:

- (i) **As the Satellite Connectivity is meant for connecting the remotest areas (un-connected & under connected), the USO levy of 5% of AGR paid as**

License Fee (LF) should be exempted for VSAT Service operators to achieve digital inclusion mission of the Government of India.

- (ii) In case of renewal of service authorization, Entry Fee should be waived off.**
- (iii) Spectrum Usage Charges (SUC) should be reduced from 4% to 1% of AGR. It may be noted that TRAI has invariably reiterated through its 2005, 2017, 2020, and 2021 recommendations issued from time-to-time during different occasions on related matter to make the SUC as 1% of AGR, irrespective of the data rate.**

Q5. In addition to the service-specific authorisations at service area level, whether there is a need for introducing a unified service authorisation at National level for the provision of end-to-end telecommunication services with pan-India service area under the Telecommunications Act, 2023? Kindly justify your response.

The continuance of service-specific authorizations would suffice and there is no need for introducing a unified service authorization.

Q7. Within the scope of Internet Service authorisation under the Telecommunications Act, 2023, whether there is a need for including the provision of leased circuits/ Virtual Private Networks within its service area? Kindly provide a detailed response with justifications.

Yes. The proposal is quite reasonable to allow the leased circuits/ Virtual Private Networks to be included in Internet Service Authorisation. This additional scope allowed under ISP License shall be very beneficial for the small Internet Service Providers.

We also suggest that a licensee after obtaining the VSAT authorization should be able to provide internet to its customers without having the need to obtain an ISP authorization. This will simplify the service authorization framework, place the authorization holders on an even footing, and align with international practices for VSAT services. Such authorization of Satellite / VSAT based services should be at national level only.

Q8. In case it is decided to enhance the scope of Internet Service authorisation as indicated in the Q7 above, -

(a) What should be terms and conditions (technical, operational, security related, etc.) that should be made applicable on Internet Service authorisation?

(b) Any other suggestion to protect the reasonable interests of other authorised entities upon such an enhancement in the scope of service.

Kindly provide a detailed response with justifications.

Furthermore, we suggest that a licensee after obtaining the VSAT authorization should be able to provide internet services to its customers without having the need to obtain an ISP authorization. This will simplify the service authorization framework, place the authorization holders on an even footing, and align with international practices for VSAT services.

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.

Since the scope of GMPCS and Commercial CUG VSAT Authorizations is entirely distinct, it is not prudent to merge both licenses.

Therefore, we oppose the suggestion of merging both GMPCS and VSAT into a single authorization – Satellite based telecommunications authorization.

In our opinion, it is also prudent to amend the scope of the authorizations in a way that GMPCS addresses MSS and VSAT addresses FSS.

The CUG condition associated with VSAT is no longer relevant, as this does not resemble today's satellite systems.

However, Backhauls, ESIMs, Land Mobility, M2M/IOT and IFMC services that are presently allowed under the VSAT authorization should continue.

It is to be noted that VSAT can also provide backhaul for aggregation of IOT devices, but cannot provide direct connectivity to IOT devices, because the connectivity to IOT devices will fall under the scope of GMPCS.

The services provided under the VSAT authorization should be categorized as public and non-captive services. These recommendations, if applied, will ensure that there is alignment with international practices and would also eliminate the need for possible duplicate authorizations that satellite service providers may need to pursue today.

We also suggest that a licensee after obtaining the VSAT authorization should be able to provide internet to its customers without having the need to obtain an ISP authorization. This will simplify the service authorization framework, place the authorization holders on an even footing, and align with international practices for VSAT services.

In continuation to our suggestions to Questions 7 and 8 above, we also reiterate that a licensee after obtaining the VSAT authorization should be able to provide internet to its customers without having the need to obtain a ISP authorization. This will simplify the service authorization framework, place the authorization holders on an even footing, and align with international practices for VSAT services.

We strongly recommend the removal of mandatory compliance requirements currently set out for Internet Leased Lines (ILL) on VSAT authorization such as routine inspection of customer sites for the ILL service. Such requirements uniformly apply to VSATs providing internet as well. Instead, we strongly recommend for a self-regulatory mechanism in line with Para-5 of the DoT Guidelines for Other Service Providers (OSPs). This will reduce the operational burden for both consumers and VSAT service providers.

Q12. In case it is decided to merge 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, -

(a) What should be the scope of service under the proposed Satellite-based Telecommunication Service authorisation?

(b) What should be terms and conditions (technical, operational, security related, etc.) that should be made applicable on the proposed Satellite- based Telecommunication Service authorisation?

(c) Any other suggestion to protect the reasonable interests of other authorised entities upon the introduction of such an authorisation?

Kindly provide a detailed response with justifications.

In view of our cogent response to Q-11, we reiterate that the scopes of the extant GMPCS authorization and Commercial VSAT CUG Service authorization should not be merged into a single authorization.

it is our considered opinion that the scope of the changes envisaged under the Telecom Act 2023 to the authorizations should be uniformly applicable to licenses/authorizations already issued under earlier the Indian Telegraph Act and other provisions.

This will remove ambiguities and ensure uniform applicability and compliance by existing licensees. This parity will bring semblance of parity and will accrue benefits to both consumers and operators by ensuring regulatory certainty.

Q19. 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 authorizations under the extant Unified License for VNO?

- (i) We propose to consider the inclusion of following missing clauses in VNO-Commercial CUG-VSAT Authorization, which are already allowed under Commercial CUG VSAT Authorization
- (a) VSAT terminal may also be used to aggregate the traffic from M2M/ IoT devices/aggregators' devices.
 - (b) VSAT licensee may use VSAT to provide backhaul connectivity to service providers having license/ Authorization/ Registration for M2M services, Cellular Mobiles and IoT devices.
 - (c) User terminal stations on moving platforms are also permitted for provisioning of connectivity subject to compliance to relevant TEC standard(s) and conditions mentioned therein.
- (i) We also suggest that regional/local ISPs who hold UL-VNO Internet Services authorization should be able to resell their services obtained from VSAT authorization holders under the UL. This will facilitate VSAT service providers to provide services to small ISPs who already hold a UL-VNO Internet Services authorization and this will eliminate the need for small UL-VNO Internet Service authorization holders to apply for the UL-VNO VSAT authorization separately.

(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 authorizations under the extant Unified License for VNO? Kindly provide a detailed response with justifications.

No Comments

Q21. Considering that there are certain overlaps in the set of services under various authorisations, would it be appropriate to permit service-specific parenting of VNOs with Network Service Operators (NSOs) in place of the extant authorisation-specific parenting? Kindly provide a detailed response with justifications.

Our view is that it is appropriate to continue with the extant authorisation-specific parenting.

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.

Comments as per response given to Q19 above.

Q23. In view of the provisions of the Telecommunications Act, 2023 and market developments, whether there is a need to make some changes in the respective scopes and terms and conditions associated with the following service authorisations, recently recommended by TRAI:

- (a) Digital Connectivity Infrastructure Provider (DCIP) Authorization (under Unified License)
- (b) IXP Authorization (under Unified License)
- (c) Content Delivery Network (CDN) Registration
- (d) Satellite Earth Station Gateway (SESG) License

If yes, kindly provide a detailed response with justifications in respect of each of the above authorisations.

TRAI recommendations on Satellite Earth Station Gateway (SESG) License should be implemented, as this will open new business opportunities for SATCOM.

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.

YES. Presently, spectrum is assigned to satellite services on a carrier-by-carrier (single carrier) basis. In this methodology, it may not be feasible to effect change of carriers with weather, technology, demand etc. Hence, this methodology should be reviewed to allow assigning for a block of spectrum. The current carrier by carrier assignment is cumbersome and does not allow for dynamic carriers that adapt to change needs of customers.

Similarly, the need to obtain NOCC frequency plan approvals should be rescinded. NOCC frequency plan approvals were relevant when ISRO was providing satellite capacity through the GSAT program. For other satellite providers, the frequency plan and link budgets are well managed by the satellite operators themselves. Hence it is not prudent for DOT to approve frequency plan

and link budgets for each network prior to deployment and during the lifecycle of a network. Instead, DOT should have oversight on the compliance to the Telecom Engineering Center (TEC) Interface Requirements document.

Q27. Whether any modifications are required to be made in the extant PM-WANI framework to encourage the proliferation of Wi-Fi hotspots in the country?

If yes, kindly provide a detailed response with justifications.

It could be upgraded as per evolving technologies in the concerned field.

Q29. What amendments are required to be incorporated in the terms and conditions of authorisations for providing telecommunications services using satellite-based resources in light of the policy/ Act in the Space Sector?

Kindly provide a detailed response with justifications.

As envisaged in the New Indian Space Policy – 2023, the Non-Governmental Entities (NGE's) have been allowed to provide international space-based communication services from India.

To align with Indian Space Policy – 2023, Indian Satcom Service Providers should be allowed to provide connectivity to serve foreign countries including our neighbouring countries beyond Indian borders as per the prevailing International/foreign country specific regulatory guidelines.

Consequently, Indian VSAT Service Providers will be able to extend VSAT services using Indian Gateway to serve the Neighbouring countries. This will certainly make India to position itself as a pioneer and leader in satellite communication services in the region.

Accordingly, geographical restrictions in the Commercial VSAT CUG Authorization should be suitably amended.

Q30. Whether the provisions of any other Policy/ Act in the related sectors need to be considered while framing terms and conditions for the new authorisation regime? If yes, kindly provide a detailed response with justification.

Please refer to response to Q29.

Q31. What conditions should be made applicable for the migration of the existing licensees to the new authorisation regime under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

Our view is that there should not be any additional financial burden, while migrating from the existing licensees to the new authorisation regime.

We also propose that the migration process of the existing licences should be simple with minimum number of documents and time-bound. The validity should remain as 20 years.

Q44. Whether there is a need to review any of the other financial conditions for the various service authorisations including VNOs, other than the merged/clubbed/new service authorisations? Please provide your response for each service authorisation separately with detailed justification.

- (i) There is a need to modify the existing formats of Statement of Revenue Share/ License Fee for CUG, ISP, NLD services.**
- (ii) Clarity is required for M2M-SP registration, whether it will fall under the category Others or all Proforma for of Statement of Revenue Share need to be prepared.**
- (iii) There should not be any additional financial burden in the process.**

Q50. In the interest of ease of doing business, is there a need to replace the Affidavit to be submitted with quarterly payment of license fee and spectrum usage charges with a Self-Certificate (with similar content)? Please justify your response.

We suggest that the Affidavit should be replaced by a Self-Certificate in the interest of ease of doing business.

Q51. Is there a need to revise/ modify/simplify any of the existing formats of Statement of Revenue Share and License Fee for each license/authorisation (as detailed at Annexure 3.2)? In case the answer to the question is yes, please provide the list of items to be included or to be deleted from the formats along with detailed justification for the inclusion/deletion.

Proforma H on Related Party and Proforma J on Non-Financial information should be abolished.

Q57. Whether there is a need to review/ simplify the norms for the preparation of annual financial statements (that is, the statements of Revenue and License Fee) of the various service authorizations under UL, UL(VNO) and MNP licenses? Please give detailed response with proper justification for each authorization/license separately.

The expense line items in Proforma A and Proforma B should be in line with Financials as per Schedule III of Companies Act.

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