

**BIF Response to TRAI Consultation Paper on the Framework for
Service Authorisations to be Granted Under the Telecommunications
Act, 2023**

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.

BIF Response to Q.1.

The Consultation Paper states that in the countries like the United States of America, the United Kingdom, Australia, Singapore, etc., the applicants seek authorizations for the provision of the telecommunication services from the sector regulators/ governments and provide the necessary information to them.

Some countries/regions have moved from licensing to authorisation practice (e.g., USA for certain services, EU, UK, Brazil).

United States (FCC): The FCC employs a mix of licensing for spectrum use and authorisations for certain types of services, such as internet service providers, which do not require traditional telecom licenses.

United Kingdom (Ofcom): Ofcom, the UK regulator, uses a general authorisation regime where providers only need to notify Ofcom before offering services, rather than obtaining a specific license (required for spectrum / numbering resources). This approach is outlined in the Communications Act 2003 and the Wireless Telegraphy Act 2006¹.

When the new EU communications regime was implemented in the UK on 25 July 2003, individual licences granted under the Telecommunications Act 1984 were replaced by the General Authorisation regime. The effect was that licences are no longer required for providing communications networks or services in the UK – everyone is ‘generally authorised’ to do so. However, the General Authorisation is subject to the General

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<https://www.dlapiperintelligence.com/system/modules/za.co.heliosdesign.dla.lotw.telecoms/functions/handbook.pdf?country-1=GB#:~:text=OVERVIEW%20OF%20LEGAL%20LANDSCAPE&text=The%20roles%20and%20responsibilities%20of,over%20which%20wireless%20devices%20operate.>

Conditions of Entitlement: these conditions apply to all persons providing electronic communications networks and services.

Individual providers may be subject to additional conditions, such as SMP conditions (imposed as a result of a finding of Significant Market Power), access related conditions or conditions imposed as a consequence of a provider being designated as a universal service provider. Any provider which is subject to these additional conditions will have been notified individually when the conditions were imposed. For most providers, the only relevant conditions are the General Conditions of Entitlement²

European Union: The EU's regulatory framework, particularly the European Electronic Communications Code (EECC), promotes the use of general authorisations instead of individual licenses to harmonise and simplify the regulatory environment across member states. The EU framework for authorisations under the European Electronic Communications Code aims to harmonise the regulatory environment across member states, making it easier for companies to operate in multiple countries. This approach reduces administrative costs and complexity, encouraging investment and competition.

As an exception to the 'general authorisation' regime, member states can grant, upon request, individual licenses for the use of scarce resources: frequencies, numbers, and rights of way.

The details regarding the authorisation mechanism in EU are provided in Annexure 1 to this document.

Clause 42 of the EU Directive states that "the benefits of the internal market to service providers and end-users can be best achieved by general authorisation of electronic communications networks and of electronic communications services other than number-independent interpersonal communications services, without requiring any explicit decision or administrative act by the national regulatory authority and by limiting any procedural requirements to a declaratory notification only. Where Member States require notification by providers of electronic communications networks or services when they start their activities, such notification should not entail administrative cost for the providers and could be made available via an entry point at the website of the competent authorities."³

Brazil: The Brazilian National Telecommunications Agency (Anatel) has implemented an authorisation regime to reduce entry barriers and promote competition. In Brazil, telecom services can be provided under a simplified authorisation regime, which has contributed to a more competitive market by allowing more players to enter and operate. Competition is an essential element in Brazil's transition to a digital environment that offers opportunities for innovation and new services for everyone⁴. Prior authorisation is required for spectrum and

² <https://www.ofcom.org.uk/phones-and-broadband/accessibility/general-conditions-archive/>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2018:321:FULL&from=EN>

⁴ <https://www.gov.br/anatel/pt-br/regulado/competicao/medidas-pro-competicao>

for number resources. The flexible regulatory framework has facilitated the introduction of new technologies and services, helping Brazil to keep pace with global advancements in the telecom sector.

It can be seen from the examples in these countries that authorisation has not only resulted in a simplified process, but its key benefits lie in creating a more flexible, efficient, competitive, and innovative sector, ultimately benefiting both the industry and consumers.

All such benefits form part of policy objectives in India, e.g.,

- One of the key objectives of NDCP 2018 is to lay out a consistent policy and principles framework that will enable the creation of a vibrant competitive telecom market to strengthen India's long-term competitiveness and serve the needs of our aspiring nation.
- The policy vision, as mentioned in NDCP 2018, is to fulfil the information and communication needs of citizens and enterprises through the establishment of a ubiquitous, resilient, secure, accessible, and affordable digital communications infrastructure and services.
- It further mentions reforming the licensing and regulatory regime to catalyse investments and innovation and promote ease of doing business.
- The Preamble to the Telecommunications Act, 2023, states that it is an act to amend and consolidate the law relating to the development, expansion, and operation of telecommunication services and telecommunication networks; assignment of spectrum; and for matters connected therewith.
- Various policy documents and decisions acknowledge the need for rural connectivity and the inclusion of all in digital communications, which is a crucial national need. However, the digital divide between rural and urban is substantial and is not decreasing. Thus, connectivity in rural areas is the biggest challenge.

In the UK, EU, and Brazil, the system of general authorisation only requires intending entries to notify and not obtain specific permissions. Such a system, where the rules are all made public beforehand, encourages more players to provide telecommunication services.

In light of the above, the Central Government should issue authorisations, wherever applicable, with the objective that such authorisations should result in:

- Low barriers to entry to attract more entities
- Promoting competition
- Encouraging investments by giving a clear roadmap
- Technology neutrality
- Future-fit framework capable of adapting to needs of the changing market

- Simplification and certainty in process
- Reduced regulatory costs; Ease of doing business
- Encouraging innovation
- Enabling objectives of connectivity and inclusivity
- Streamlining / removal of conditions which are unnecessary or counterproductive to the economy and overall national interests

Section 2(d) of The Telecommunications Act 2023, states as follows:

“authorisation means a permission, by whatever name called, granted under this Act for—
(i) providing telecommunication services;
(ii) establishing, operating, maintaining or expanding telecommunication networks; or
(iii) possessing radio equipment”

Under this definition of “authorisation” in Telecommunications Act, 2023 even the current License is an authorisation. Therefore, there may be no need to change the form or term from Licenses to some other name or form, unless there are clear objectives, as mentioned above, of doing the same which will benefit the stakeholders i.e. users, overall economy, sector and the nation. Thus, the overall objectives must be crystallised before initiating the exercise of changing the framework.

Any services which are not customer facing or are not requiring scarce resources need not be brought under authorisation regime. The regulatory lens should not look at bringing more services under the ambit of authorisation framework, instead it should question the need for authorisations in each area. If such an approach is not followed in critical areas concerning provision of infrastructure the digital and economic growth of the nation would suffer.

Infrastructure Providers who are facility providers, if need be, only generally authorised so that they can obtain ROW permissions as facility provider.

Similarly, Data centres and Cloud Services, which are IT services and are not telecommunication services, are currently required to take resources from NLDO/Access Provider. Their requirements are large and critical, but the choice of their connectivity provider is limited as they are mandated to go through these licensed entities. They may want to self-provide captive services by buying or leasing dark fiber from IP1s instead of being required to go through a licensed NLDO/TSP. For self-providing captive links between data centres which are not interconnected with public networks and not for resale, there should not be any authorisation applicable or required..

Likewise, multinational digital service providers (“Digital Service Providers” or “Global Enterprises”) are progressively relying on interconnected backend data centers, points of presence, and operations and control centers (DCOCs) across jurisdictions (including India) to manage their backend processing and delivering critical application features. These

Global Enterprises own and operate captive, non-public DCOCs, which are interconnected through backend, captive, non-public networks (submarine or terrestrial fibers and bandwidth) for exclusive use by the enterprise and which do not directly interface with end users (Private Enterprise Networks). Because these Private Enterprise Networks are not consumer-facing, their ownership, control and management should be exempt from regulation.

A clear framework on such issues is required.

A mere change in the form or term of permission from 'license' to 'authorisation', will not yield any benefit if the driving framework does not benefit all the stakeholders i.e. users, overall economy, industry and the nation. Such exercise, devoid of objectives, will result in no change for all practical purposes. Further, any such exercise should not result in benefits to a set of licensees / entities at the cost of others.

The process of obtaining authorisation by any person under Section 3 (1) of the Telecommunications Act, 2023, must be less onerous and should include a clear-cut, open, and transparent administrative decision compared to the process of granting a license by the Central Government under Section 4 of the Indian Telegraph Act, 1885.

In the UK and EU, the system of general authorisation only requires intending entries to notify and not obtain specific permissions (exceptions can be spectrum and numbering resources). Such a system, where the rules are known to the public, is transparent and encourages more players to provide telecommunication services and will duly safeguard the interests of authorised entities. We strongly suggest a general authorisation on the lines of the UK and the EU, except for spectrum and numbering resources.

An alternative process could involve issuing authorisation to intending entities. However, this might result in less confidence and fewer safeguards for those entities compared to general authorisation considering that general authorisation is straightforward, with no intermediate discretionary administrative role and no additional intermediate steps like a Letter of Intent. In this context, a specific timeframe must be mandated to issue authorisations.

We, therefore, suggest that clear objectives of shifting from current framework to authorisations should be laid out in order to benefit all the stakeholders, on the lines as mentioned above. Only on the basis of such objectives should the existing telecom framework shift from specific licensing to a general authorisation framework, and accordingly, clear rules should be made with respect to each service authorisation.

General authorisations result in telecom entities to focus on innovation and service quality instead of burdening them. This framework decreases the administrative workload for regulatory authorities, enabling them to allocate resources more effectively and oversee the market more efficiently. By streamlining market entry, general authorisations enable quicker

deployment of new services and technologies. This agility is crucial for staying competitive in the rapidly evolving telecom sector.

The new framework has to be light-touch and in sync with new technological developments. Therefore, it should not constrain the players by imposing any unnecessary conditions on them. The approach should be to consider the nature of services and take a considered view before bringing the service under authorisation or exempt entities from authorisation wherever feasible. In this regard, the services which are not meant for end-customers, or which are in nature of captive use only should either not be covered or be exempt from authorization requirements under the new framework. Entities like IP-1, DCIP are facility providers and and it should only be necessary to authorise them to enliven the rights of way to which they are entitled under the Telecommunications Act 2023.

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.

BIF Response to Q.2.

As mentioned in answer to Question 1 above, a mere change in the form or term from 'license' to 'authorisation', will not yield any benefit if the driving framework is not changed to benefit the stakeholders i.e. the users, the overall economy, the sector and the nation.

Subject to our Response to Q.1. above, we submit that an entity that intends to provide a type of service requiring authorisation will have access to applicable rules, including terms and conditions, corresponding to that service on the given website portal.

In such a case, the system of authorisation should be completely online and fully automated.

The intending entity needs to enter the name, address, email ID, name of the authorised person, Board Resolution, respective service area for the respective type of service, pay the entry/processing fee (if applicable) through online means, provide a compliance certificate regarding eligibility, upload a copy of the performance BG (if applicable) in the format already provided in the rules, and confirm that it understands that the respective rules are applicable to the authorisation. Once the same is uploaded by the intending entity on the given portal, the authorisation should be automatically given on the portal and also informed through email to the intending entity. The physical performance BG can be provided by the entity within a week's time to the DoT (with a computer-generated acknowledgment number given

to the entity) which it can confirm on the portal or there should be provision for Electronic submission of Bank Guarantees.

The description of the authorisation on the portal and in the email will include the service area, period of validity, type of service (scope of service will be in the rules), list of applicable rules, BG amount, and the condition that the BG shall be physically filed in DoT and confirmation of the same shall be given on the portal. This process is simple and efficient and is in sync with ease of doing business requirements.

It is reiterated that only services utilising scarce resources (e.g., spectrum or numbering resources) should require individual permissions and others should be under a general authorisation through an automated process or exempted. The criteria for general authorisations should be predefined and easily accessible to all potential service providers. This will ensure predictability and reduce uncertainty for businesses.

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?

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

(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?

(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.

BIF Response to Q.3.

As mentioned in Response to Q.2., the system of authorisation should be completely online and fully automated. The authorisation itself and corresponding set of terms and conditions for each type of service should be clearly notified through rules as prescribed in Section 3(2) and Section 56(3) of the Act.

An authorisation for a type of service can have following simple fields:

TITLE: AUTHORISATION

- Name of Entity
- Mailing Address

- Email D
- Authorised Person
- Type of Service Authorisation
- Service Area(s)
- Duration
- Effective Date
- Applicable Acts (Telecommunication Act 2023 and TRAI Act, 1997) , as applicable from time to time
- Applicable Rules under Telecommunication Act 2023 as on Date. Rules as applicable from time to time.
- Authorisation Number
- Authorisation is subject to Applicable Acts and Applicable Rules; The Entity having this Authorisation and its employees/directors are assumed to be aware of Applicable Acts and Applicable Rules.

The telecom licenses to date have been very voluminous, running into 200 pages and has to be read with various guidelines, and little purpose will be served if these are replaced by an authorisation system where the authorisation may be one page but the respective rules are voluminous.

The rules should be succinct and could be made on the following categories broadly:

- **General:** Criteria for Obtaining Any Authorisation
- **Scope of Service:** A clearly defined scope of service specifying what is included and what is not included
- **Tariffs:** As prescribed by TRAI
- **Network Functioning:** Interconnection, Technology Neutral, Standards and Specifications, Emergency Services, Network Sharing, Quality of Service, Disaster Management, Network Security
- **Resources:** Numbering (where required, numbering resources for network identity, number portability, subscriber numbers, etc. should be made available through an informed process); Access Spectrum; Backhaul including Microwave
- **Consumer Protection:** Billing, Number Portability, Subscriber Contracts, Complaint Handling, Porting of Numbers
- **National Security:** Network Security, Interception, CLI, Location
- **Financial:** Obligations in terms of license fee and other charges

There are many aspects like Adjudication of Contraventions, RoW, Standards, Public Safety and Public Emergency, National Security, Cyber Security, Critical Telecom Infrastructure, Protection of Users, Offences and Penalties, Verifiable Biometric Based Identification, Open Access, Creating Regulatory Sandbox which are covered under the Telecommunications Act 2023. The respective rules can be further prescribed under the relevant provisions of the Telecommunications Act 2023, read with section 56(2) thereof. Thus, on these aspects,

the legal framework is in any case provided by the Telecommunications Act 2023, and respective rules will further cover the remaining aspects.

Aspects like Tariffs, Quality of Service, Billing, Consumer Protection, Interconnection, and Mobile Number Portability are being covered by Regulations/Orders of TRAI, and hence no detailed rules are required for these aspects.

Paras 2.34 and 2.35 of the CP acknowledge that the Telecommunications Act, 2023 has envisaged making rules on terms and conditions of the authorisations to be granted under the Act. The Act also provides for the issuance of directions by the Central Government in certain cases, like in Section 21. However, it seems that guidelines are not envisaged due to the presence of rules. Thus, the possibility of prescribing conditions in the form of guidelines under the respective rules needs to be examined under the law. If possible, that can only be with respect to a few exceptional and genuine matters for which conditions can frequently change. While laying down any additional guidelines, it must be borne in mind that the purpose of the new framework is minimal regulation, hence, any guidelines which do not follow the same principles in addition to the ones highlighted in Response to Q.1., will defeat the purpose of the change proposed under the Telecommunications Act, 2023.

Q.4. 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.

BIF Response to Q.4.

The long-term regulatory stability and business continuity of service providers can be ensured if the process of making or amending rules is transparent, consistent, and follows principles of due consultation.

Section 11 of the TRAI Act is the cornerstone for transparency, consistency, competition facilitation, and efficiency promotion in telecommunications. Under Section 11(1)(a), TRAI can make recommendations, either suo-motu or upon a request from the licensor, regarding the terms and conditions of a license/authorisation to a service provider. This is notwithstanding anything contained in the Telecommunications Act of 2023.

TRAI follows an open house consultation process to transparently discuss all aspects of any such terms and conditions before making recommendations to the DoT. This process is transparent, allowing all stakeholders to discuss and understand each other's views, provide counter-comments, and participate in open house discussions. This enables TRAI to consider all perspectives and make well-reasoned recommendations, thus fully meeting the transparency requirements set out in the TRAI Act.

We submit that this same process must continue with respect to terms and conditions in authorisation, and TRAI's recommendations are necessary for any such rules to be made by the Central Government.

The current consultation is highly significant as it overhauls the terms and conditions of all types of licenses, permissions, authorisations, and registrations developed over the last 30 years. This is a critical stage that will shape the future of telecommunication services. Therefore, TRAI should first consider how any change in the terms and conditions and the underlying framework can facilitate competition and promote efficiency in the operation of telecommunication services together with facilitating growth in such services.

The most important work in the transition from licensing to authorisation will be identifying areas where regulation is unnecessary or onerous and can be streamlined or excluded from the telecom regulatory regime.

Thus, the overall objectives must be crystallised before initiating the exercise of changing the framework. A mere change in the form of permission from 'license' to 'authorisation', will not yield any benefit if the driving framework does not benefit the stakeholders i.e. users, overall economy, sector and the nation.

The services which are not customer facing or are not requiring scarce resources need not be brought under authorisation regime. The regulatory lens should not look at bringing more services under the ambit of authorisation framework, instead it should question the need for authorisations in each area. If such an approach is not followed in critical areas concerning provision of infrastructure the digital and economic growth of the nation would suffer. Infrastructure Providers who are facility providers need not be regulated.

Infrastructure Providers who are facility providers, if need be, only generally authorised so that they can obtain ROW permissions as facility provider.

Similarly, Data centres and Cloud Services, which are IT services and are not telecommunication services, presently are required to take resources from NLDO/Access Provider whether or not those licenced operators are able to cater for their complex and advanced requirements. The choice of their connectivity provider is limited as they are mandated to go through these licensed entities. Entities should be free to self-provide captive services by buying or leasing dark fiber from IP1s and operating it themselves instead of being unnecessarily required to go through a licensed NLDO/TSP.

Likewise, as mentioned above, multinational digital service providers ("Digital Service Providers" or "Global Enterprises") are progressively relying on interconnected backend data centers, points of presence, and operations and control centers (DCOCs) across jurisdictions (including India) to manage their backend processing and delivering critical

application features. These Global Enterprises own and operate captive, non-public DCOCs, which are interconnected through backend, captive, non-public networks (submarine or terrestrial fibers and bandwidth) for exclusive use by the enterprise and which do not directly interface with end users (Private Enterprise Networks). Because these Private Enterprise Networks are not consumer-facing, their ownership, control and management should be exempt from regulation.

A clear framework on such issues is required.

An exercise, devoid of objectives, will result in no change for all practical purposes. Further, such an exercise might result in benefits to a set of licensees / entities at the cost of others.

Most international best-practice jurisdictions seek to encourage investment and innovation in high-tech, cloud, digital services, and data centre services and therefore, ensure required flexibility for such entities to operate in a dynamic and efficient manner because of the large economic benefits they bring. However, current Indian law may not allow unlicensed entities to access passive infrastructure such as dark fibre from infrastructure provider companies for any purpose. This means that such companies are unable to buy or lease dark fibre in order to construct, operate, and efficiently manage their own captive networks (configured to their own internal specialist requirements). Instead, such companies are compelled to procure generic network connectivity services from Telecom Service Providers (TSPs). This is problematic because traditional networks operated by TSPs are principally designed for voice or public data services, such as IP services. They are not suitable for advanced cloud or other digital services, which require very high availability, bandwidth and low latency for extremely high amounts of data; and achieving these outcomes using TSP services is especially difficult given India's vast geography and relatively limited existing technology infrastructure and broadband deployment. As a result, cloud services in India are generally slower, less reliable and more expensive than corresponding services in other countries. This discourages investment in technology and cloud businesses in India and hinders growth of the technology industry. Similarly, these hurdles make it more expensive and more difficult for Digital Service Providers to manage their networks.

International best practice is clearly to ensure a range of simple and flexible options for companies to procure dark fibre and operate private connectivity/networks for their own purposes. In most best practice jurisdictions, data centre providers are empowered to establish and operate private fibre networks with minimal restrictions. Best practice jurisdictions typically require authorisation only for accessing rights of way when laying infrastructure, with light-touch regulatory regimes for deploying, selling, or procuring dark fibre. Singapore, Australia, Europe, and the USA exemplify this approach, generally requiring licenses or authorisations only for providing public telecommunications services, not for private networks. These jurisdictions minimise regulatory burdens, costs, and

unnecessary requirements like legal intercept for private infrastructure, facilitating easy establishment of private connectivity between facilities such as data centres or for internal private connectivity between offices. This is one of the core reasons why those jurisdictions are receiving far larger investments in data centres, cloud services and other drivers of economic growth. In India by contrast, Data Centres, Digital Service Providers, and Cloud Service Providers (CSPs) are currently required to procure inefficient services built on inefficient network architecture which simply reduces the efficiency and capability of Indian Internet, cloud and AI services.

To harness the true potential of digital telecom infrastructure and the economic benefits it brings, infrastructure provider companies should be permitted to share their passive infrastructure with all such entities also and not just licensed telecom service providers, provided they are for internal private consumption and not for resale or sale to the public. Such entities like Data Centres, Digital Service Providers and CSPs should be permitted to procure passive infrastructure including dark fibre and permitted to operate active services for captive use and not for commercial use.

There are numerous ways in which this could be clarified, particularly expansion of the existing concept of a “private / captive network” exclusion from the Telecommunications Act which would enable firms including Data Centres, digital service providers, and CSPs to establish their own infrastructure as private / captive network for connecting various data centers and points of presence and other internal private purposes. India must ensure that it does not remain an outlier by imposing hefty, inefficient and unnecessary requirements upon data centre connectivity which requires the most dynamic and innovative approach to succeed.

Further, in all of the above best practice jurisdictions, individuals including data centre providers, can establish and run private connectivity between data centres to meet their own internal connectivity requirements, without the requirement to obtain an authorisation or licence; or at the most with a very limited and light touch compliance considering the private connectivity.

Is a company generally free to install, sell/buy and/or light dark fibre for private connectivity eg between two data centres without requiring licence/authorisation?	
Singapore	✓
Australia	✓
USA	✓
Europe	✓
India	✗

The draft Data Centre Policy of 2020 also sets out significant recommendations and exemptions which are still highly relevant, and which can unlock substantial economic growth for India. These should also be followed in the transition to the authorisation regime. For example, the Draft Data Centre Policy recommended a second option for implementation of a private telegraph concept, “captive fibre networks”: “Facilitate Data Centre providers to establish captive fibre networks, especially for connecting Data Centres, through appropriate review and re-alignment of existing regulations and policies.”

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.

BIF Response to Q.5.

There is no 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. In our view, if it is done, it will stifle the other players who have specific service authorisations or who are present in some service areas/districts and will be a big entry barrier for new players. As mentioned in our answer to Q.1., the objective of the current exercise should be to promote competition and it should not result in benefits to a set of licensees / entities at the cost of others.

An authorisation for “provision of end-to-end telecommunication services” and that too at “pan India” level will create a super and powerful authorisation and give an undue and huge market advantage to such ‘super authorisation’ holders over the other existing players. We strongly recommend against it.

It is respectfully submitted that to make any decision on whether or not a unified service authorisation at the national level for end-to-end telecommunication services with a pan-India service area should be introduced, the Consultation paper should have at least placed following aspects for consultation, i.e.,

Market impact Analysis

Monopoly concerns

Service Coverage

Affordability to Consumers

Basic framework of licensing/authorisations and its objectives

None of these relevant aspects with respect to such introduction of an all-encompassing authorisation are dealt in the present Consultation Paper and such an omission is not in sync with the functions prescribed under Section 11 of TRAI Act.

The current framework already allows that Access Service Provider may deploy any of its equipment anywhere in India subject to the interconnection points being located and operated in the respective service areas for inter operator, inter service area, NLD & ILD calls and meeting the security conditions as mentioned in the license. (Clause 4.5 of Chapter VIII Part II of UL - Location of switches and other network elements). Thus, their efficiency improvement is already taken into consideration.

Clause 6.1 of the UL mandates that Inter-Circle traffic from one service area to another shall be routed through the network of NLD licensee or the Unified Licensee having authorisation of NLD service.

Access Spectrum, Number Resources, Backhaul Microwave, License Fee, Spectrum Charges etc., administration, QoS reporting are all service authorisation wise and service area wise.

The nature of telecommunication service cannot change for the reason that an operator is providing two or three different types of telecommunication services. The rules, respective authorisation and service area, for say, NLD services by such player should be same as that any other standalone NLD provider. Same principle must apply to all types of services.

The objective of any change in framework should aim at reducing the wide digital divide in India. There is inadequate broadband and urban-rural gap is as high as 67%. Internet penetration percentage in urban is 2.5 times that of rural.

	Internet Penetration per 100 population			
Year	Urban	Rural	Urban -Rural Gap	Overall Penetration
March 19	98	25	73	48
March 20	99	32	67	55
March 21	107	36	71	60
March 22	103	37	66	60
March 23	107	40	67	64
March 24	111	44	67	68

* Data of Internet penetration -Urban and Rural taken from TRAI's Report titled The Indian Telecom Services Performance Indicators Reports.

Further, TRAI's Performance Indicator Report for Qtr. Ending March 2024 mentions that out of total 1194 internet service providers, top 10 Service Providers together hold 98.94% of total internet subscriber base at the QE Mar-24. There are many smaller players who have taken authorisations but for various reasons have fraction of subscribers.

Given that the rural internet penetration is lagging, the authorisation framework should aim to facilitate rural connectivity and inclusivity. There is a need to encourage business of local and small players who have reach and presence in such areas to provide services and for which they should be duly enabled by regulations and authorisations. The above data indicates that intensity and focus is lacking for entities operating at national level and the spread of services to rural will get further impacted if small players are not supported.

The smaller players providing services at the rural and local level should be encouraged through incentives and removal of bottlenecks in the industry in order to effectively meet the connectivity needs at rural and local levels. The authorisation framework should aim to create competitive market conditions allowing entry of new players, while ensuring that appropriate exemptions are provided/clarified to ensure that inappropriate services are not unnecessarily regulated. It should address issues related to backhaul, interconnection and prescribe regulatory mandates to address present market conditions and failures. The focus has to shift on enablement of such players. Otherwise, the issues of digital divide between urban and rural will not be resolved and will remain as it is.

Clause 3(2) of the Telecommunications Act states that the Central Government may while making rules under sub-section (1), provide for the different terms and conditions of authorisation for different types of telecommunication services, telecommunication networks, or radio equipment. This acknowledges distinction in services and thus, this warrants different terms and conditions for such different services.

It is submitted that issues like NTN cannot be a reason for pan India unified service authorisation when the other major factors, as enumerated above, have not been considered. For NTN, there should be separate authorisation.

Q.6. In case it is decided to introduce a unified service authorisation at National level for the provision of end-to-end telecommunication services-

- (a) What should be the scope of service under such an authorisation?**
- (b) What terms and conditions (technical, operational, security related, etc.) should be made applicable to such an authorisation?**
- (c) Would there be a need to retain some of the conditions or obligations to be fulfilled at the telecom circle/ Metro area level for such an authorisation?**

(d) Should assignment of terrestrial access and backhaul spectrum be continued at the telecom circle/ Metro area level for such an authorisation?

(e) Any other suggestion to protect the interest of other authorised entities/ smaller players upon the introduction of such an authorisation.

Kindly provide a detailed response with justification.

BIF Response to Q.6.

As mentioned Response to Q.5., there is no need to introduce a unified service authorisation at the national level for the provision of end-to-end telecommunication services with a pan-India service area under the Telecommunications Act, 2023. In our view, if it is done it will stifle the other players who have specific service authorisations or who are present in some service areas/districts and will be a big entry barrier for new players.

An authorisation for “provision of end-to-end telecommunication services” and that too at “pan India” level will create a super and powerful authorisation and give an undue and huge market advantage to such ‘super authorisation’ holders over the other existing players. We strongly recommend against it.

Clause 3(2) of the Telecommunications Act states that the Central Government may, while making rules under sub-section (1), provide for different terms and conditions of authorisation for different types of telecommunication services, telecommunication networks, or radio equipment. Under the extant framework, different types of service providers are required to take different authorisations and make investments based on the principles of a stable framework and the promotion of competition. We strongly submit that the framework should not be transformed overnight by adding a regulatory definition of ‘telecommunication services’ such as Unified Service and that too at pan India level. This will severely harm players with individual authorisations.

In our view, this question should not be raised and it is not even a viable option.

In addition to underlying and fundamental anti-competitive concerns, there can be many other concerns like -

- Resources are being given and will be given extant service area wise and for respective service, then why should an authorisation be made pan India and for all types of services.
- How will spectrum allocations be made in future, whether it will be pan India wise or will it continue to be extant service area wise? If the key element of service, i.e. spectrum is to be allocated extant service area wise, then the licensing framework for all conditions should correspond to it. Else, if the conditions of authorisations, including scope, are different for different set of authorised entities, then it will give undue advantage to pan India unified service authorised entities.

- What are the implications of the suggested changes on revenue to the government? For example, the GR, ApGR and AGR for spectrum will have to be derived from overall pan India revenues and from all services to extant service level -wireless services. In merged revenues of unified services, it will be difficult to derive and deduce the same , specially when the subscriber billing is common for all services. This will be relevant for access spectrum granted before 15.09.2021 as spectrum acquired through auctions held after 15.09.2021 in different access spectrum bands, no spectrum usage charge (SUC) will be charged. Further, this is of concern in respect of calculation of microwave charges too.

TRAI has stated that to protect the interests of smaller players, there may be a need to continue the extant practice of assigning access spectrum and network interconnection at the Telecom Circle/Metro Area level. We respectfully submit that the existing spectrum contracts and interconnection regulations already bind the existing licensees to the Telecom Circle/Metro Area level. The continuation of these existing conditions cannot be made to seen as a relief or protection for the interests of smaller players.

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.

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.

BIF Response to Q.7. and Q.8.

There is a history dating back to 2007, where TRAI made certain recommendations to allow even Internet Service Providers to offer VPN/Closed User Group but DoT did not permit it. Generally speaking, such permission will open much needed competition and will also allow better use of resources with Internet Service Providers. Hence, Internet Service Providers should be allowed to offer these services also, along with Access Providers and NLDs.

If leased circuits/ Virtual Private Networks are allowed to ISPs that may give more choice to enterprise customers.

Q9. Whether there is need for merging the scopes of the extant National Long Distance (NLD) Service authorisation and International Long Distance (ILD) Service authorisation into a single authorisation namely Long Distance Service authorisation under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

Q10. In case it is decided to merge the scopes of the extant NLD Service authorisation and ILD Service authorisation into a single authorisation namely Long Distance Service authorisation under the Telecommunications Act, 2023,

(a) What should be the scope of service under the proposed Long Distance Service authorisation?

(b) What terms and conditions (technical, operational, security related, etc.) should be made applicable on the proposed Long Distance Service authorisation?

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

Kindly provide a detailed response with justifications.

BIF Response to Q.9. and Q.10.

NLD and ILD are two distinct carrier services. There are service providers who offer both ILD and NLD services, while others provide either NLD or ILD exclusively.

It is submitted that although the objective of reducing the number of authorisations by merging or consolidating them may seem possible, its feasibility needs to be assessed through an impact assessment on competition. There are 25 standalone NLD service licenses and 5 standalone ILD service licenses as of now, which may find it feasible to continue with their respective authorisations. Subjecting them to additional regulatory obligations for services, which they are not currently undertaking, would be unfair and unnecessarily onerous.

The scope of service for both NLD and ILD is entirely distinct, and merging authorisations without separately mentioning the respective security, technical, and operational conditions would serve no purpose. Instead of two different documents, it would become one document with Part A and Part B. The possibility for merging the scope of services can only be explored if there is a substantial overlap in their scopes of services, which is not the case here.

It is important to keep these authorisations separate to continue attracting niche players, which will help increase competitiveness.

Therefore, for these reasons, we believe that respective services should be kept separate for the purposes of authorisation as under the extant regime.

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

Q12. In case it is decided to merge the scopes of the extant GMPCS authorisation and Commercial VSAT CUG Service authorisation 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.

BIF Response to Q.11. and Q.12.

GMPCS and Commercial VSAT CUG services are completely different services as the scope, nature, purpose are entirely different. The requirement, therefore, in terms of Security, Network Interconnect, Technical and Operating conditions etc. are all different.

While GMPCS is envisaged as Satcom-based public phone service whereas Commercial VSAT CUG is specifically for providing data connectivity is CUG based services.

As there is substantial difference in scope of services and terms of respective authorisation, there is hardly any scope of merging these two authorisations. Therefore, we believe that GMPCS and Commercial VSAT CUG service Authorisation should be kept separate.

The scope of the authorisations should be such that GMPCS addresses MSS and VSAT addresses FSS. The CUG condition associated with VSAT may not resemble today's satellite systems, however, Backhaul, ESIMS, land mobility that are today allowed under the VSAT authorisation should continue. VSAT can also provide backhaul for aggregation of IOT devices, but cannot provide direct connectivity to IOT devices – connectivity to IOT devices will fall under the scope of GMPCS.

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

There are various compliance requirements that have been set out for Internet Leased Lines (ILL) on VSAT authorisation, like the license mandates routine inspection of customer sites for the ILL service and these requirements uniformly apply to VSATs providing internet too. It is submitted that in place of such requirements, a self-regulatory mechanism, which is in line with the OSP framework, may be considered. This will reduce the operational burden for both consumers and VSAT service providers.

Further, the type of authorisations which use satellite-based services are completely distinct from any other type of authorisation and therefore, their scope should be separate as compared to any other type of service or authorisation.

Satellite Authorisations should be pan-India basis and spectrum should be allocated in an administrative manner for all types of services. Hence, Service Authorisations should remain separate for GMPCS, Commercial VSAT, Captive VSAT and INSAT-MSS.

Q13. Whether there is a need for merging the scopes of the extant Infrastructure Provider-I (IP-I) and DCIP authorisation (as recommended by TRAI) into a single authorisation under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

Q14. In case it is decided to merge the scopes of the extant IP-I and DCIP (as recommended by TRAI) into a single authorisation under the Telecommunications Act, 2023, -

(a) What should be the scope under the proposed authorisation?

(b) What terms and conditions should be made applicable to the proposed authorisation?

Kindly provide a detailed response with justifications.

BIF Response to Q.13. and Q.14.

At the outset it is submitted that both IP-1 and DCIP are not customer facing services and they are in the nature of facility provider.

Further, the new framework has to be light-touch and in sync with new technological developments. Therefore, it should not constrain the players by imposing unnecessary conditions on them. The approach should be to consider the nature of services and take a considered view before bringing the service under authorisation or exempt entities from authorisation wherever feasible. In this regard, the services which are not meant for end-

customers or which are in nature of captive use only, should not be covered under the authorisation framework.

There may be exceptional cases such as facility providers needing to be “authorised” under the Telecommunications Act 2023 for ROW purposes. Infrastructure Providers who are facility providers, if they need to be authorised at all, need only be generally authorised so that they can obtain ROW permissions as facility provider.

Subject to the above, it is stated that the scope of service of DCIP as mentioned in TRAI recommendation is distinct from and larger than that of IP-1.

IP-1 registration holders can provide assets such as Dark Fibers, Right of Way, Duct space and Towers on lease/rent-out/sale basis to the licensees of telecom services on mutually agreed terms and conditions. The IP-1 registration holders cannot currently provide active infrastructure.

DCIP authorisation under UL (as recommended by TRAI) includes within it the authorisation to own, establish, maintain, and work all such apparatus, appliance, instrument, equipment, and system which are required for establishing all Wireline Access Network, Radio Access Network (RAN), Wi-Fi systems, and Transmission Links. However, it does not include spectrum and core network elements such as Switch, MSC, HLR, IN etc. The scope of the DCIP license also includes Right of Way, Duct Space, Dark Fiber, Poles, Tower, Feeder cable, Antenna, Base Station, In-Building Solution (IBS), Distributed Antenna System (DAS), etc. within any part of India. DCIP will be allowed to install wired transmission link (but not wireless) to connect to its own BBU (Baseband Unit)/RU (Radio unit)/Antenna. DCIP authorisation should be issued as they will cater to the above requirements.

Thus, if authorisation is to be considered, then IP-1 authorisation should be distinct as it cannot include all activities which are provided in DCIP authorisation.

As on date there are more than 1000 IP-1s in India, having different scales, set-ups and specialisations, with most of them having local and regional presence. IP-1 specialise in managing power and real estate which requires a unique skill set. Power is a considerable opex to telecom service providers and requires not only efficiency focus but also the highest level of focus towards ESG, in order to create sustainable telecom infrastructure.

IP-1s possess the necessary skills for passive infrastructure but not for active infrastructure. The active infrastructure, which is included in DCIP, is very different and will require different skill sets. IP-1s do not need to be regulated by a larger authorisation, which has a different purpose. Introducing a requirement for IP-1 holders to handle active infrastructure under a merged authorisation would necessitate a significant shift in their operational focus and capabilities, potentially leading to inefficiencies and service disruptions.

Thus, both the authorisations i.e. IP-1 and DCIP should be kept separate to maintain focus and flexibility, ensuring that the regulatory framework corresponds to the specific activities and services being provided. Any clubbing will severely impact existing IP-1 players who specialise in passive infrastructure. The existing segmentation allows for specialization and expertise, which is beneficial for the industry. In some exceptional cases, like few large IP-1s may intend to enter into active infrastructure and may take DCIP on voluntary basis but a very huge majority would prefer to continue under IP-1 authorisation. Even DoT in its letter dated 11.08.2022 has stated that IP-1 registration holders (existing/new) may also be permitted to obtain TIL (which may now be DCIP) on voluntary basis.

As far as the scope under the authorisations is concerned, the scope of IP-1 under the present registration may be enhanced to include additional passive elements of a telecommunication network like RF Feeder cables, passive combiners, couplers, diplexers, triplexers, quadplexers, connectors to cover the scope of a passive IBS Solution. This will be beneficial for the growth of digital connectivity inside buildings and also in line with the mandatory requirement of telecom infrastructure being discussed under the National Building Code.

DCIP should be allowed to install wired or wireless transmission link to connect to its own or TSP's BBU (Baseband Unit)/RU (Radio unit)/Antenna, as long as the wireless transmission links are under unlicensed bands and do not require allocation of any specific spectrum.

It is important that the authorisation framework provides flexibility in terms of choices to provide different sets and subsets of services. The framework should correspond to the activities and services being provided and the required segmentation should be maintained. There is no gain by clubbing or merging these authorisations, rather it will disperse the focus of players, regulator and policy makers negatively impacting service provision.

To harness the true potential of digital telecom infrastructure and the economic benefits it brings, infrastructure provider companies (IP-1 or DCIP) should be permitted to share their passive infrastructure with entities like Data Centers/Digital Service Providers/Cloud Service Providers also and not just licensed telecom service providers, provided they are for internal private consumption and not for resale or sale to the public. Such entities like Data Centres, Digital Service Providers and CSPs should be permitted to procure passive infrastructure including dark fibre and permitted to operate active services for captive use and not for commercial use.

Q15. Whether there is a need for clubbing the scopes of some of the other authorisations into a single authorisation under the Telecommunications Act, 2023 for bringing more efficiency in the operations? If yes, in your opinion, the scopes of

which authorisations should be clubbed together? For each of such proposed (resultant) authorisations, -

- (a) What should be the scope of the service?
- (b) What should be the service area?
- (c) What terms and conditions (technical, operational, security, etc.) should be made applicable?

Kindly provide a detailed response with justification.

Q16. Whether there a need for removing some of the existing authorisations, which may have become redundant? If yes, kindly provide the details with justification.

BIF Response to Q.15. and Q.16.

Unless there is a clear overlap in services/ in service area or such clubbing will increase competitiveness, the clubbing of authorisations should not be done. Each authorisation having been made under the UL, has been done after due consultation and has distinct scope and each may require different specialisations.

In case of M2M Service Provider registration and WPAN/WLAN Connectivity provider registration for M2M services, considering that the guidelines were combined, even application form was same and the registration is meant for M2M service, these are already clubbed, hence in this case the registration may be merged under a single authorisation. However, it should be a simple permission in the form of a general authorisation as it is not associated with any scarce resources

Q17. Whether there is a need for introducing certain new authorisations or sub-categories of authorisations under the Telecommunications Act,2023? If yes, -

For which type of services, new authorisations or sub-categories of authorisations should be introduced?

- (b) What should be the respective scopes of such authorisations?
- (c) What should be the respective service areas for such authorisations?
- (d) What terms and conditions (general, technical, operational, Security, etc.) should be made applicable for such authorisations?

Kindly provide a detailed response with justifications.

BIF Response to Q.17.

Para 2.81 of the CP mentions that the need for a district level Access Service Authorisation under the Telecommunications Act, 2023 may also be examined. It is submitted that this needs to be examined independently and should not be dependent upon the examination of

issue of national level service authorisation for provision of end-to-end telecommunication services as indicated in the CP.

As mentioned in our Response to Q.5. and Q.6., there is no need for introducing a unified service authorisation for the provision of end-to-end telecommunication services with pan-India service area under the Telecommunications Act, 2023. This is a matter of concern as doing so would stifle the competition, negatively impacting other players who have specific service authorisations and who have specialisations or who are present in certain service areas/districts.

A new sub-category of service authorisation should be introduced under the main authorisation category of Satellite-based Telecommunication Service. The sub-category may be named "Citizen safety-related mobile satellite services".

In view of the emergence of a new type of satellite service (Emergency SoS) due to the recently introduced satellite features that provide end users with peace of mind and potentially life-saving communications when there is no mobile or Wi-Fi network available. In dire situations, if a user finds themselves in danger while out of range of a terrestrial (mobile/Wi-Fi) network, their device can initiate emergency communications over satellite. This service can also benefit in scenarios where public networks may go down due to natural disasters viz. floods, earthquakes, tsunamis, etc. where citizens can communicate using emergency communication services through satellite.

Terms & conditions for the sub-category of Citizen safety-related mobile satellite services may be as follows:

- Satellite Spectrum allocations for citizen safety services in the L and S bands for device to satellite leg;
- Nil or minimal administrative charges;
- Direct communication from one device to another device through satellite be restricted. All communication from a device will be to the PSAPs through the Ground Station/Relay Centers ensuring communication from the device flows to and fro to the established public safety network points across the country for handling SOS communication.

Q18. 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 authorisations under the extant Unified License?

(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 authorisations under the extant Unified License?

Kindly provide a detailed response with justifications.

BIF Response to Q.18.

As regards, changes in terms and conditions associated with each service authorisation, BIF's response to Q.1. and Q.5. should be referred to.

In this regard, kindly refer to our answers to all the questions in this Consultation paper, which deal with various existing and other authorisations which have been either recommended by TRAI or are under its consideration. We rely on our answers to other questions in this respect.

The exercise of suggesting changes in the existing scopes of services and any modifications to the terms and conditions associated with each service authorisation is a detailed and laborious exercise requiring serious consideration.

As mentioned earlier, under this definition of authorisation in Telecommunications Act, 2023 even the current License is an authorisation. Therefore, there may be no need to change the form or term from Licenses to some other name or form, unless there are clear objectives given of doing the same for the benefit the stakeholders i.e. users, overall economy, sector and the nation. Thus, the overall objectives must be crystallised before initiating such exercise.

The services which are not customer facing or are not requiring scarce resources need not be brought under authorisation regime. The regulatory lens should not look at bringing more services under the ambit of authorization framework, instead it should question the need for authorisations in each area.

If such an approach is not followed in critical areas concerning provision of infrastructure such as IP and DCIP, data centres, cloud services etc., the digital and economic growth of the nation would suffer. Infrastructure Providers who are facility providers need not be regulated. Similarly, data centres and cloud services should have flexibility to procure and 'light' infrastructure for private purposes, provided it is not for resale. Hence, they should be kept out of the authorisation framework.

Without prejudice to the above, the corresponding rules for an authorisation should clearly define service and its scope under that authorisation leaving no scope for ambiguity.

As provided under Section 56(2) of the Telecommunications Act, the Government is required to make rules and regulations with respect to many aspects like Adjudication of Contraventions, RoW, Standards, Public Safety and Public Emergency, National Security, Cyber Security, Critical Telecom Infrastructure, Protection of Users, Offences and Penalties,

Verifiable Biometric Based Identification, Open Access, Creation of Regulatory Sandbox under the Telecommunications Act 2023. Thus, on these aspects, the legal framework is in any case provided by the Telecommunications Act 2023, and respective rules will further cover the remaining aspects.

Aspects like Tariffs, Quality of Service, Billing, Consumer Protection, Interconnection, and Mobile Number Portability are currently governed by Regulations/Orders of TRAI, and hence no detailed rules are required for these aspects.

There are certain aspects pertaining to Satcom, ILD-CLS, NLD and Security equipment related costs which are specifically dealt with in the following hereunder:

Satcom services:

1. With strategic objective of making India Hub for Space eco-system, including Satcom Services, there is a need to establish an enabling framework to encourage satellite operators and service provider to install their regional gateways in India in respect of government approved satellite systems. This regional hub may be used to provide services to Indian service providers as well as regional markets outside India like South-Asia, South-East Asia, Middle-East etc.
2. TRAI in its recommendation dated 29.11.2022 has already recommended for separate Satellite Earth Station Gateway (SESG) license and same may be considered to be added as new authorisation.
 1. Commercial VSAT CUG service providers in India should be allowed to use gateways in India to serve neighbouring countries. This would align with the Indian Space Policy 2023 and allow India to position itself as a leader in satellite communication services in the region.
 2. For Commercial VSAT Authorisation as well as for GMPCS Authorisation
 - (i) USOF levy of 5% AGR should be waived off;
 - (ii) Entry Fee should be removed in case of renewal of service authorisation, provided there are no other changes;
 - (iii) SUC should be reduced from current rate of 4% to 1% of AGR.
3. Following changes are suggested to the authorisation frameworks from an ease of doing business perspective for Commercial VSAT CUG Authorisation:
 - Remove NOCC frequency plan approvals. 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. DoT should have oversight on the compliance to the Telecom Engineering Centre (TEC) Interface Requirements document. It is not optimal for DoT to approve frequency plan and link budgets for each network prior to deployment and during the lifecycle of a network.
 - Change the methodology of assigning spectrum for satellite services on a carrier by carrier basis, in order to allow for a block of spectrum to be assigned. Carrier by carrier assignment is cumbersome and does not allow for dynamic carriers that adapt to dynamic needs of customers.

ILD-CLS

Under the current regime, the entities holding International Long Distance (ILD) licenses are empowered to lay submarine cables and set up Cable Landing Stations (CLS) in India. This includes submarine cables and fiber pairs within those cables that are used solely by an entity for its own private/captive use and not for resale of telecom services in India. Further, ILD license is required to physically and logically operate subsea equipment such as submarine line terminal equipment (SLTE) and restricts vis-à-vis the grant of no-objection-certifications to foreign entities looking to lay and operationalise submarine cables.

Thus, the regulatory regime in India on CLS and submarine cables is not open access in nature. This results in a scenario where consortiums have to rely on only a few ILD license holders in India to own the cable assets in Indian Territorial Waters and act as the consortium's landing party. Thus, in order to promote competition and resultantly improve quality and innovation of services in the sector – we believe that the TRAI / DoT can open the CLS facilities which will attract more participation by private players and foreign investments. The respective players should also be able to own fiber pairs of submarine cables in Indian territorial waters, own and operate the equipment to light up the fiber pairs, and the consortium jointly should be able to own the submarine cable. This will open up competition in India, leading to more investments in submarine cables landing in India as well as the associated infrastructure to support them. There is a need to bring down the costs of network acquisition which should be reasonable, with the added benefit of offering critical and offer desired diversity and redundancy with all the resilience and security benefits which this brings. Open access cable systems and CLSs are a modern way to build the cable systems and landing stations, which encourages more investments in the country from data centers and new submarine cable investment perspectives. The open access model offers greater flexibility to customers to design networks with enhanced diversity and performance and reduce the additional burden of cost.

Therefore, there is a need to relook at the current license and regulations regime from different lenses. Forming a category-based licensing and regulatory framework for laying submarine cables and setting up of CLSs in India will be an option to attract more investment and make India a global transit HUB for internet traffic.

The proposed framework can have two broad categories of suppliers to build and operate submarine cable systems and CLSs:

- (i) One Category would include the providers, who generally build networks from Data Center to Data Center to manage the data transfer communications. The suppliers in this category will use such cable systems to build connectivity from Data Center to Data Center and should not be allowed to sell capacity in the market to enterprises and Wholesale carriers.

- (ii) Other category would include all the licensed parties, who wish to sell capacity in the market to enterprise and wholesale carrier verticals, for example Telcos.

We request TRAI to consider exploring the option of requiring the ILD license holder/operator to act as a landing party only (as opposed to also being a member of/having a stake in a consortium). It is not necessary to restrict rights to lay and maintain submarine cables to only those parties who also own an interest in an asset such as a submarine cable. This is because an entity should not necessarily have to own an interest in an asset (such as a submarine cable) to lay and maintain it. This artificial clubbing of two quite different functions simply exacerbates both the quality and price of services which are important for economic development. In fact, global companies such as SubCom are in the primary business of supplying and laying (as well as maintaining, etc.) submarine cables for use by other entities. It is also unlikely to be not financially viable for ILD license holders to invest in too many more submarine cables. If an ILD License holder must always be an investor in the consortium, this simply becomes an artificial constraint restraint on how many submarine cables can land in India. This is not in interests of telecommunications in India.

Moreover, we would like to bring attention to the fact that consortiums and open access systems for submarine cables are crucial for improving and promoting international connectivity. This would enable internet and technology companies – such as businesses offering ‘over the top’ content and services – to invest in such cables and allied systems to offer the same to users in India effectively and efficiently. This is because by bringing data closer to consumers in India, latency reduces, and consumer experience and their overall ability to access online services and content with ease improves. Since the bulk of such investment would be carried out by these companies themselves, it would reduce the financial burden on ILD operators in India and do away with the need for them to incur expenditure to improve the international capacity of their operations.

Thus, it is critical for TRAI/DoT to ensure that the regulatory framework governing submarine cables does not prove to be excessively onerous on global technology companies and gives due consideration to their concerns so that they can continue to help “push along new innovations inside of the cable systems”.

NLD

It is important to mention that domestic connectivity (NLD) through subsea should be permitted and promoted, immediately. This is the need of the hour considering the volume of bandwidth which is consumed in regions which are on the coastline, and it will be critical to meet current and upcoming bandwidth requirements, build redundancy routes, and reduce latency.

SECURITY EQUIPMENT COSTS

While security is a paramount issue, however the burden of procuring and installing this equipment which is used by various security entities is borne by the operators. We submit that the Digital Bharat Nidhi fund/fees paid by the operators should be deployed in the same.

Additionally, monitoring equipment, like LIM which is deployed on gateways, should also be deployed with a shared infrastructure model.

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 authorisations under the extant Unified License for VNO?

(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 authorisations under the extant Unified License for VNO?

Kindly provide a detailed response with justifications.

BIF Response to Q.19.

As noted in para 2.108 and 2.109 of the CP, UL (VNO) license has been successful in respect of some of the authorisations such as the ISP Category-C authorisation, ISP Category B authorisation, Access Service Category B, and NLD Service authorisation but not in case of Access Services in the Telecom Circle/Metro. Furthermore, the terms and conditions prescribed under the respective authorisations are similar to that of the UL, such as requirements related to service quality, consumer protection, data security, interconnection, and tariff regulations.

As regards eligibility conditions and financial obligations of the UL (VNO), it should be borne in mind that the existing UL (VNO) licensees are small and medium level entrepreneurs and the volume of business and revenue earned by them is miniscule as compared to that of the NSOs.

Any modifications, additions or deletions proposed in the scopes of service for each service authorisation as well as terms and conditions associated with each service authorisation must be made in view of the immense potential VNOs have in terms of providing customized products for highly penetrated markets, improving penetration in rural areas and Tier2 and Tier 3 cities, M2M and Cloud play and hence, the changes should aim to lower entry barriers for new and smaller players, fostering competition and innovation.

In view of the above, the following modifications, deletions and additions are suggested,

Modifications:

- The current entry fee should be kept at optimal level (cumulative max. INR 1.0 Cr. instead of INR 7.5Cr.) so that the new entrants are able to invest more in CAPEX/OPEX for setting up the network and managing operations smoothly. Otherwise also, as the tenure of VNO licence is only 10 years, the current fee of INR 7.5 Cr. becomes equal to the full TSP licence for that category of service.
- VNOs should be seen as independent entities and should not be linked with NSOs. Hence, the duration (clause 3.1) of UL (VNO) authorisation may be increased to 20 years as prescribed in UL independent to validity period of parented NSO(s).

Deletions:

- The amount specified for financial penalty under clause 10.1 for UL VNO Licensee is equal to UL Licensee. Since VNO is parented to NSO for its network infrastructure related requirements, hence any violation towards network related conditions should be removed from UL VNO authorisation such as QoS (clause 10.7, 28.1), EMF (clause 24.1), LBS (Clause 7.5 (i) of Access Services Authorisation). The quantum of penalty must be based on the business operations and financial performance of the VNO.

Additions:

- The extant UL (VNO) License, clauses 1.3, 27.1, 27.2, 32.1, 32.2, 33.2 provide for a mutual agreement to be made between NSO and VNO for offering Access Services without bringing that under the regulatory framework. It is suggested that the same should be brought under the ambit of regulatory framework to avoid any kind of delay in access of network and safeguard VNOs from potential economic exploitation by NSOs by way of seeking unaffordable wholesale rates and / or unwilling to provide necessary Infrastructure resources essential of VNOs to offer their services to the customers. For this purpose, the authorisation framework should provide for wholesale rates at which NSOs would be required to provide time bound access of network. The wholesale rate should have ceiling and may be fixed by TRAI basis public consultation.

The authorisation must take into account the following:

1. Mandate that each NSO may at least tie up with one MVNO for providing wireless access services.
2. Notwithstanding the technical challenges associated with multi-operator parenting, Multi-NSO parenting within the same LSA may kindly be permitted, which is currently not the case.
3. Once multi-parenting is permitted, there should be no cap/ceiling as regards number of NSOs that a MVNO can be parented to.

The regional/local ISPs who hold UL-VNO Internet Services authorisation should be able to re-sell services obtained from VSAT authorisation holders under the UL. This will facilitate

VSAT service providers to provide services to small ISPs who already hold a UL-VNO Internet Services authorisation and will eliminate the need for small UL-VNO Internet Service authorisation holders to apply for the UL-VNO VSAT authorisation separately.

Q20. Whether the Access Service VNOs should be permitted to parent with multiple NSOs holding Access Service authorisation for providing wireless access service? If yes, what conditions should be included in the authorisation framework to mitigate any possible adverse outcomes of such a provision? Kindly provide a detailed response with justifications.

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.

BIF Response to Q.20. and Q.21.

VNOs provide telecommunication services to consumers by using the network of the parent NSO. Under each authorisation of UL (VNO), a licensee is permitted to provide telecom services like those which are permitted to the Unified License holders. VNOs are particularly well-suited to serve localized markets, such as small towns and rural areas, or structurally defined geographic areas like airports or smart cities, often by utilizing the networks of existing NSOs or by establishing last-mile connectivity. VNOs are capable to serve niche segments, underserved and unconnected areas with the support of their parent Network Service Operators (NSOs) and become one of the key revenue streams for the NSO. Thus, to serve the varied needs of consumers, it is pertinent for VNOs to have option for parenting with more than one NSO for wireless services due to the fact that the one NSO may not have adequate network coverage / availability of adequate bandwidth especially for newer technologies such as IOT/M2M. By sharing infrastructure of multiple NSOs, VNOs also get an additional revenue stream and a higher return on investment. This arrangement can also increase exchequer's revenue through enhanced service provision and market expansion.

Since VNOs depend on the QoS parameters of their parent NSOs, it would be inappropriate to enforce QoS-related mandates or penalties directly on VNOs. In this respect, allowing multiple parenting would enable VNOs to switch between NSOs and maintain service quality. Hence, there should be no regulatory ceiling on the number of NSOs a VNO can parent with, provided technical challenges can be managed.

Given the overlapping nature of services under various authorisations, permitting service-specific parenting of VNOs with NSOs could provide several advantages, such as partnering with most suitable NSO for each type of service VNOs offer, enhancing operational efficiency and service quality. Additionally, since the Quality of service offered by a particular NSO is not fixed and varies over time and within the same LSA and/or even outside it, VNOs

should have the freedom to choose between different operators and also change the operators while in service.

The extant UL (VNO) License, clauses 1.3, 27.1, 27.2, 32.1, 32.2, 33.2 provide for a mutual agreement to be made between NSO and VNO for offering Access Services without bringing that under the regulatory framework. It is suggested that the same should be brought under the ambit of regulatory framework to avoid any kind of delay in access of network and safeguard VNOs from potential economic exploitation by NSOs by way of seeking unaffordable wholesale rates and / or unwilling to provide necessary Infrastructure resources essential of VNOs to offer their services to the customers. For this purpose, the authorisation framework should provide for wholesale rates at which NSOs would be required to provide time bound access of network. The wholesale rate should have ceiling that may be fixed by TRAI basis public consultation.

In view of the above, the authorisation must take into account the following:

1. Mandate that each NSO may at least tie up with one MVNO for providing wireless access services.
2. Notwithstanding the technical challenges associated with multi-operator parenting, Multi-NSO parenting within the same LSA may kindly be permitted, which is currently not the case.
3. Once multi-parenting is permitted, there should be no cap/ceiling as regards number of NSOs that a MVNO can be parented to.

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/ authorisations/ 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/ authorisations/ registrations/ NOC etc.?

Kindly provide a detailed response with justifications.

BIF Response to Q.22.

In this regard, kindly refer to our answers to all the questions in this Consultation paper, which deal with various existing and other authorisations which have been either recommended by TRAI or are under its consideration. We rely on our answers to other questions in this respect.

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) Authorisation (under Unified License)

(b) IXP Authorisation (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.

BIF Response to Q.23.

For (a) Digital Connectivity Infrastructure Provider (DCIP) Authorisation (under Unified License), Response to Q.13. and Q.14. may be referred. Further, any changes brought by the authorisation framework must focus on providing flexibility in terms of choices to provide different sets and subsets of services, including meeting the needs of data centres and cloud service providers for captive use.

It is reiterated that to harness the true potential of digital telecom infrastructure and the economic benefits it brings, infrastructure provider companies (IP-1 or DCIP) should be permitted to share their passive infrastructure with entities like Data Centers/Digital Service Providers/Cloud Service Providers also and not just licensed telecom service providers, provided they are for internal private consumption and not for resale or sale to the public. Such entities like Data Centres, Digital Service Providers and CSPs should be permitted to procure passive infrastructure including dark fibre and permitted to operate active services for captive use and not for commercial use.

For (b) IXP Authorisation (under Unified License) and (c) Content Delivery Network (CDN) Registration:

The new framework has to be light-touch and in sync with new technological developments. Therefore, it should not constrain the players by imposing unnecessary conditions or restrictions on them. The approach should be to consider the nature of services and take a considered view. The regulatory lens should not look at how to bring more services under the framework of authorisations instead it should question the need for authorisations in each service area. Entities which are not in telecommunication services or which are not customer facing or which do not require scarce resources should not be brought under the ambit of authorisations.

Without prejudice to the above, otherwise for IXP Authorisation (under Unified License), the authorisation framework should be premised on 'exemption' or 'light-touch' 'ex-post' regulation. This will allow innovation in the public digital goods market. Light-touch Regulation should be such that it should ensure 'Digital Agility'. Since India is at a nascent stage of its journey towards becoming a Digital Economy giant, it should be ensured that regulation is kept to a bare minimum, or even avoided i.e., automatic authorisation, to permit innovation and competition.

In the current regulatory frameworks, traffic exchange in an IXP is covered by UASL-ISP license. However, this has led to impositions of conditions on IXPs which are put on TSPs/ISPs despite fundamental differences in their functioning. As compared to ISPs, IXPs do not provide bandwidth, internet services, or IP transit services. The functions of IXPs are grossly distinct from those of ISPs and hence cannot be covered under the ISP authorisation. Moreover, any changes brought in the scopes and terms and conditions of the authorisation issued for IXPs should bring regulatory clarity. It must ensure that regulatory requirements for IXPs are not burdensome and are treated distinctly from ISPs, given that they do not provide internet or telecom services to consumers, but rather only enable seamless exchange of traffic. Globally as well, IXPs are not required to hold ISP licenses. No country mandates that IXPs operate under such licenses, acknowledging their unique role and technical simplicity.

For integrated IXP-ISP, the IXPs must be permitted to peer and transit traffic from any ISP in a non-discriminatory manner They should not governed by content-blocking laws given the nature of their functioning.

It is noteworthy that IXPs are essential to the internet ecosystem in India as they enable the exchange of traffic between different networks thereby improving speed and reducing latency. Given the numerous benefits, subjecting IXPs to a burdensome authorisation framework will be premature and may stifle the growth and development of IXPs in India, where they are already scarce. Instead, creating an enabling policy environment without regulatory restrictions is crucial for fostering the IXP market.

TRAI's recommendation for licensing requiring IXPs to implement content filtering and website blocking is also unnecessary. ISPs, who are already licensed and equipped, are responsible for these functions. Since the traffic passing through IXPs eventually flows through ISPs. Imposing these obligations on IXPs is redundant. Such requirements would place significant and unjustified costs on IXPs, making their operations commercially unviable.

Thus, to support the growth of IXPs in India, a non-regulatory framework should be adopted. To this effect, while keeping the regulatory burden minimum, IXPs should be granted access to IP-1 dark fiber infrastructure and Right of Way (RoW) for connecting facilities between different Data Centers and should also be allowed to share infrastructure with government-controlled operators to support operations outside major metropolitan areas.

As regards CDN, the framework should steer away from confining CDNs into a narrow definition. Attempting to define and regulate CDNs presents significant challenges due to their broad range of data replication and delivery technologies. Thus, any regulatory definition might unintentionally include other internet technologies, causing regulatory uncertainty.

Subjecting CDNs to authorisation/registration requirements of any sort, sets a problematic precedent, potentially leading to similar regulations for other internet services like email providers, web hosting services, and DNS providers. The internet's rapid growth and innovation have been driven by its largely unregulated nature, which should be preserved to maintain its strength.

CDNs contribute to the development of the internet by improving performance, enhancing the ability to handle traffic loads and reduced bandwidth, load balancing and security. In the 2022 TRAI Consultation Paper on the Regulatory Framework for Promoting Data Economy through Establishment of Data Centres, Content Delivery Networks, and Interconnect Exchanges in India, TRAI recognised that India's CDN market will witness a growth of over 700 % between 2018 – 2027 (i.e., from USD 435.2 million in the year 2018 to USD 2846.8 million by 2027).

The CDN market is competitive. Several companies offer commercial CDN services and some companies have successfully implemented their own CDN solutions. Given the healthy competition in the CDN market and in the absence of any market failure, TRAI should not stifle CDN growth in India by introducing excessive regulations and barriers to entry.

CDNs should be kept outside the scope of registration as CDNs are fundamentally different from telecommunication providers. CDNs require: (i) appliances for computing and storage; and (ii) connectivity.

Depending on whether they build their own connectivity or not, CDNs are either a customer of telecommunications providers (for internet access) or a private network connected with telecommunications providers. As CDNs are not telecommunications providers, they should not be regulated as telecommunications providers or subject to any licensing requirements.

CDNs do not require a license to operate in other countries and TRAI should not set this precedent.

For (d) Satellite Earth Station Gateway (SESG) License, the following must be noted:

- For satellites that are already in use over India for providing services, through Gateways installed by Service Licensees, having taken due permissions from DoS, DoT, MIB, NOCC, SACFA, etc., the SESG Licensee should be exempted from taking the same approvals once again from the same bodies for the same satellites.

- The extant license conditions do not specifically mention SESG deployment for LEO/MEO or NGSO constellations. It is imperative to specify this, since the concept of a new SESG license came in primarily to address that segment which is new and does not yet have any approved Gateway in India. It may be advisable to explicitly mention that all LEO/MEO Constellation Gateways would be allowed only under this License/Authorisation.
- The License /Authorisation should mention as to whom the frequency carriers/spectrum would be assigned for the space segment and the ground segment respectively and what shall be the method of allocation of such spectrum and charges /charging mechanism thereof.
- TRAI recommendation for standalone Satellite Earth Station Gateway(SESG) may be considered as a separate authorisation

Q24. In view of the provisions of the Telecommunications Act, 2023 and market developments, any further inputs on the following issues under consultation, may be provided with detailed justifications:

(a) Data Communication Services Between Aircraft and Ground Stations Provided by Organizations Other Than Airports Authority of India;

(b) Review of Terms and Conditions of PMRTS and CMRTS Licenses; and

(c) Connectivity to Access Service VNOs from more than one NSO.

BIF Response to Q.24.

For (a) Data Communication Services Between Aircraft and Ground Stations, the following is submitted:

BIF is of the opinion that Data Communication Services Between Aircraft and Ground Stations essentially is a captive data service inside an enterprise and has no connectivity to PSTN/PLMN or even the Public Internet.

The commercial data communication services are being regulated through UL. Captive network-based services (such as Captive Non-Public Network -CNPN), unless they use spectrum, should be exempted from authorisation requirements and there is no need to bring them under a license/authorisation regime.

- (i) Considering that Data Communication Services Between Aircraft and Ground Stations will use frequencies, there may be a more limited and specific case to regulate data communication services between aircraft and ground stations due to the reason that Data Communication Services between Aircrafts and Ground Stations may also be classified as non-public but captive in the sense that the

spectrum allotted is used entirely for the strategically vital communication between the aircraft and ground stations.

- (ii) It should not be part of any public communication service viz. PSTN, PLMN , etc. or part of the public internet service.

For (b) Review of Terms and Conditions of PMRTS and CMRTS Licenses – No comments from BIF.

For (c) Connectivity to Access Service VNOs from more than one NSO– Response to Q20, 21 may be referred.

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.

BIF Response to Q.25.

There may be a need for introducing some changes in the authorisation framework to improve the ease of doing business. On this subject TRAI has made some important recommendations on 2 May 2023. In our view, they should be acted upon to ensure ease of doing business.

However, the merger of authorisations (service area wise merger and service wise merger) cannot be seen as facilitating 'Ease of Doing Business'. There are well-established different types of services and different service areas and various players have taken different authorisations and made investments based on the principles of a stable framework and the promotion of competition. We strongly submit that the framework should not be transformed overnight by adding Unified Service authorisation. This will severely harm players with specific service area authorisations and specific service authorisations.

Ease of doing business must also be seen from users point of view, who need competitive market and any such step which causes harm to competition should not qualify as ease of doing business.

Subject to the above, our key suggestions are as follows:

- The process of authorisation should be automated and it should be a general authorisation where for non-spectrum activities, the intending entity can start by uploading due information on the portal. The process should apply to initial authorisation, renewals, addition or modification of authorisations.

- The process for assignment of numbering resources should be automated and through portal. In that regard a clear stage-wise timelines for the process of numbering resources allocation may be prescribed.
- The Test Report (approval, rejection) should be automated for the purpose of roll out obligations.
- There should be an automated process for submission for Electronic Bank Guarantee, which will help in general authorisations.
- The Rules should annex distinct user manual and sample forms/formats for each authorisation type to enable smooth functioning of telecom services and networks..
- There should be a seamless integration with other concerned ministries / department/ agencies.
- Publicly available status of applications and authorisations to maintain transparency and fairness in the market.
- The affidavits, required under current licenses, should be replaced with self-certificates with similar content.
- Wherever possible the requirement of 'prior approval' should be replaced with 'prior intimation' to reduce unnecessary delays in the provision of services.
- Streamline the assessment of Licence Fees and Spectrum Usage Charges to reduce costs and promote efficiency.
- Establish an Ease of Doing Business (EoDB) Committee in each Ministry/Department to review, simplify, and update existing processes.
- The Terms and Conditions of Access Service Authorisation should provide for:
 - Module in the single window portal for the rollout obligation process with prescribed timelines.
 - Online, time-bound process for requesting Remote Access to the network from foreign locations.
 - Incorporation of FDI compliance submission on portal.
- The Terms and Conditions of Internet Service Provider (ISP) Authorisation should provide for:
 - The periodicity for submission of ISP nodes or PoP details to be once a year.
 - Incorporate the website blocking process on the single window portal.
 - A reduced compliance burden module for Category 'C' Internet Service Providers.
 - Replace the requirement for quarterly audited revenue share statements with self-certified statements, seeking audited accounts annually.
- The Terms and Conditions of Cable Landing Station (CLS) and Submarine Cables should provide for:

- Classify submarine cable laying and repair as 'Critical and Essential services' and give it 'Top Priority' for permissions.
 - Make the permissions process online and time-bound.
 - Designate DoT as the nodal agency for faster permissions.
 - Form a committee to review and declare special corridors for submarine cables.
 - Additional points mentioned in Response to Q.18. be considered part of this response
- The Terms and Conditions of Commercial VSAT CUG Authorisation should provide for:
 - Removal of NOCC frequency plan approvals. 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. DOT should have oversight on the compliance to the Telecom Engineering Centre (TEC) Interface Requirements document. It is not optimal for DOT to approve frequency plan and link budgets for each network prior to deployment and during the lifecycle of a network.
 - Change the methodology of assigning spectrum for satellite services on a carrier by carrier basis, in order to allow for a block of spectrum to be assigned. Carrier by carrier assignment is cumbersome and does not allow for dynamic carriers that adapt to dynamic needs of customers.

Q26. In view of the provisions of the Telecommunications Act, 2023 and market/ technological developments, whether there is a need to make some changes in the extant terms and conditions, related to ownership of network and equipment, contained in the extant Unified License? If yes, please provide the details along with justifications.

BIF Response to Q.26.

The existing UL provides that all necessary equipment, systems / sub-systems and components of the network engineered to meet relevant ITU standards, ITU-T, ITU-R recommendations, TEC specifications and International standardization bodies, such as, ITU, ETSI, IEEE, ISO, IEC, 3GPP, IETF, MEF, IPv6, etc. for provision of service in accordance with operational, technical and quality requirements and other terms and conditions of the License Agreement.

It also provides that the Licensee shall induct only those network elements into its telecom network, which have been tested as per relevant contemporary Indian or International

Security Standards e.g. IT and IT related elements against ISO/IEC 15408 standards, for Information Security Management System against ISO 27000 series Standards, Telecom and Telecom related elements against 3GPP security standards, 3GPP2 security standards etc.

The Licensee through suitable agreement clauses with vendor should ensure that the Vendor/ Supplier allow the Licensee, Licensor and/ or its designated agencies to inspect the hardware, software, design, development, manufacturing facility and supply chain and subject all software to a security/ threat check any time during the supplies of equipment.

Licensor may make any of the following suggestions, which help in increasing the security of the telecom network, mandatory whenever deemed necessary to do so-

- a) May sign a suitable agreement with hardware/ software manufacturer/ vendors and/or suppliers of services to ensure that the equipment/ services/ software they supply are 'Safe to Connect' in the network, have been checked thoroughly for risks and vulnerabilities, all addressable vulnerabilities have been addressed, non-addressable vulnerabilities have been listed with remedial measures and precautions provided.
- b) The agreement should cover aspects related to security measures like access control, Password control and management etc. Clauses addressing the service continuity and service up-gradation should also be suitably included in the agreement, with consequences defined for each party in case of breach, particularly the security breaches. As information dissemination and facilitating measure, suggested clauses for such an agreement in the form of a template will be available on the website of DoT.

The existing framework also provides for robust incident response protocols to quickly detect, respond to, and recover from security incidents and implement continuous monitoring and threat detection systems to identify and mitigate threats in real-time.

In light of the above the securities aspects with respect of visualisation and sharing are well addressed in the current UL and may be adopted in the authorisations.

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.

BIF Response to Q.27.

1. Special dispensation for PMWANI that enables only PM-WANI Public Wifi Registrants to avail special tariffs for broadband(bandwidth) to be fixed by TRAI.
2. To enable all sizes of PDOs to thrive and flourish, we request that a slab wise tariff structure be enabled as given below. This may include the following data tariff ceiling/cap for the lower bandwidth slabs

SPECIAL DISPENSATION FOR PM-WANI PLAYERS (PDO/PDOAs)
PROPOSED TARIFF STRUCTURE

S.N.	Data Speeds	Annual Tariffs (Ceiling/Cap)	Validity
1	Upto 50Mbps	Rs. 2000 p.a.	Upto 3 years
2	Upto 100Mbps	Rs. 3000 p.a.	Upto 3 Years
3	Upto 150Mbps	INR 4000 p.a	Upto 3 Years
4	Upto 250 Mbps	INR 12000 p.a.	Upto 3 years

3. This Tariff structure may be required to be kept in place initially upto 2-3 years and then reviewed thereafter by the Authority.
4. Connectivity must be mandated for all Tier-1 ISPs/TSPs. There should be no denial of service/continuity of service or acceptability of the tariff structure once it is notified by the Authority
5. To implement this on a pan-India basis, there must be a monthly reporting mechanism through a special online portal which should provide the number of interconnections/requests made per LSA, number of requests accepted, timeframe of acceptance. All data pertaining to bandwidth costs and gross revenues made by each of the PM-WANI PDOs should also be made available on the portal and/or in TRAI Monthly Performance Indicator Reports as well as TRAI quarterly reports.

Q28. What should be the broad framework including the specific terms and conditions that should be made applicable for captive authorisations, which are issued on a case-to-case basis? Kindly provide a detailed response with justifications.

BIF Response to Q.28.

The key principle for broad framework of captive services (not using licensed spectrum) which are not for resale or sale direct to the public should be excluded from requiring authorisations. These are in nature of IT services for captive use requiring connectivity due to different locations. This is required to ensure that the regulatory approach should promote competition and innovation, and ensure regulation which is appropriate to the type of service provided. As noted above, this is the general approach adopted in best practice jurisdictions

which have transitioned to authorisation regimes and in doing so have ensured that investment and innovation in services which drive growth are able to proceed without the complexities and burden of an unnecessary regulatory regime.

Most international best-practice jurisdictions seek to encourage investment and innovation in high-tech, cloud, digital services, and data centre services and therefore, ensure required flexibility for such entities to operate in a dynamic and efficient manner because of the large economic benefits they bring. However, current Indian law may not allow unlicensed entities to access passive infrastructure such as dark fibre from infrastructure provider companies for any purpose. This means that such companies are unable to buy or lease dark fibre in order to construct, operate, and efficiently manage their own captive networks (configured to their own internal specialist requirements). Instead, such companies are compelled to procure generic network connectivity services from Telecom Service Providers (TSPs). This is problematic because traditional networks operated by TSPs are principally designed for voice or public data services, such as IP services. They are not suitable for advanced cloud or other digital services, which require very high availability, bandwidth and low latency for extremely high amounts of data; and achieving these outcomes using TSP services is especially difficult given India's vast geography and relatively limited existing technology infrastructure and broadband deployment. As a result, cloud services in India are generally slower, less reliable and more expensive than corresponding services in other countries. This discourages investment in technology and cloud businesses in India, and hinders growth of the technology industry. Similarly, these hurdles make it more expensive and more difficult for Digital Service Providers to manage their networks.

International best practice is clearly to ensure a range of simple and flexible options for companies to procure dark fibre and operate private connectivity/networks for their own purposes. In most best practice jurisdictions, data centre providers are empowered to establish and operate private fibre networks with minimal restrictions. Best practice jurisdictions typically require authorisation only for accessing rights of way when laying infrastructure, with light-touch regulatory regimes for deploying, selling, or procuring dark fibre. Singapore, Australia, Europe, and the USA exemplify this approach, generally requiring licenses or authorisations only for providing public telecommunications services, not for private networks. These jurisdictions minimise regulatory burdens, costs, and unnecessary requirements like legal intercept for private infrastructure, facilitating easy establishment of private connectivity between facilities such as between data centres (or between data centers and points of presence) or for internal private connectivity between offices. This is one of the core reasons why those jurisdictions are receiving far larger investments in data centres, cloud services and other drivers of economic growth. In India by contrast, Data Centres and Cloud Service Providers (CSPs) are currently required to procure inefficient services built on inefficient network architecture which simply reduces the efficiency and capability of Indian Internet, cloud and AI services.

To harness the true potential of digital telecom infrastructure and the economic benefits it brings, infrastructure provider companies should be permitted to share their passive infrastructure with all such entities also and not just licensed telecom service providers, provided they are for internal private consumption and not for resale or sale to the public. Such entities like Data Centres, Digital Service Providers and CSPs should be permitted to procure passive infrastructure including dark fibre and permitted to operate active services for captive use and not for commercial use.

There are numerous ways in which this could be clarified, particularly expansion of the existing concept of a “private / captive network” exclusion from the Telecommunications Act which would enable firms including Data Centres, Digital Service Providers, and CSPs to establish their own infrastructure as private / captive network for connecting various data centers and other internal private purposes. India must ensure that it does not remain an outlier by imposing hefty, inefficient and unnecessary requirements upon data centre connectivity which requires the most dynamic and innovative approach to succeed.

Is a company generally free to install, sell/buy and/or light dark fibre for private connectivity eg between two data centres without requiring licence/authorisation?	
Singapore	✓
Australia	✓
USA	✓
Europe	✓
India	✗

The draft Data Centre Policy of 2020 also sets out significant recommendations and exemptions which are still highly relevant and which can unlock substantial economic growth for India. These should also be followed in the transition to the authorisation regime. For example, the Draft Data Centre Policy recommended a second option for implementation of a private telegraph concept, “captive fibre networks”: “Facilitate Data Centre providers to establish captive fibre networks, especially for connecting Data Centres, through appropriate review and re-alignment of existing regulations and policies.”

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.

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.

BIF Response to Q.29. and Q. 30

The type of authorisations which use satellite based services are completely distinct from any other type of authorisation and therefore, their scope should be separate as compared to any other type of service or authorisation.

Satellite Authorisations should be pan-India basis and spectrum should be allocated in an administrative manner for all types of services. Service Authorisations should remain separate for GMPACS, Commercial VSAT, and Captive VSAT.

At the same time, it is necessary to completely exempt satellite terminals from authorisations to make the business case viable and to encourage the uptake of these services. For instance, in the case of IoT/M2M, number of terminals are expected to be very large in number in many use cases, and imposing licensing fees per terminal would be a huge burden to the service providers.

It is also necessary that DoT sets out a clear time frame for issuance of authorisation and clearance for gateway and land earth stations. Currently these approvals take inordinately long time. It is necessary that in order to promote ease of doing business the governing authorities (IN-SPACe, DoT) should work together to reduce this time to a bare minimum.

Commercial VSAT CUG service providers in India should be allowed to use gateways in India to serve neighbouring countries. This would align with the Indian Space Policy 2023 and allow India to position itself as a leader in satellite communication services in the region.

Necessary rationalisation of the SUC (Spectrum Usage Charges) must be done to ensure that the services are enabled/facilitated and not restricted, as at present due to high imposition of levies.

Other measures could possibly include nominal levy of license fees, doing away with the USOF component of the license fee once these services are being deployed in areas (viz. Rural and remote) for which USOF Component of levy are meant.

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.

Q32. What procedure should be followed for the migration of the existing licensees to the new authorisation regime under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

BIF Response to Q.31. and Q.32.

The conditions and procedures can be better commented upon once the new authorisations and respective terms and conditions are prescribed.

Unlike migration to UL from UASL/CMTS/ISP etc., this migration from UL to authorisation regime may not be same if authorisations are clubbed or if authorisations like unified service is decided. If the scope and service area and main terms and conditions remain same in UL authorisation and new authorisations under Telecommunication Act, then only the procedure similar to migration to UL can be applied.

Q33. Do you agree that new guidelines for the transfer/ merger of authorisations under the Telecommunications Act, 2023 should be formulated after putting in place a framework for the authorisations to be granted under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

BIF Response to Q.33.

Yes, the new rules for the transfer/ merger of authorisations under the Telecommunications Act, 2023 should be formulated after putting in place a framework for the authorisations to be granted under the Telecommunications Act, 2023. The terms and conditions and process of merger of such authorisations cannot be formulated unless such authorisations themselves are prescribed and hence, addressing the same would be a premature exercise.

Q34. Whether there is a need to formulate guidelines for deciding on the types of violations of terms and conditions which would fall under each category as defined in the Second Schedule of the Telecommunications Act, 2023? If yes, kindly provide a detailed response with justifications.

Q35. Are there any other inputs/ suggestions relevant to the subject? Kindly provide a detailed response with justifications.

BIF Response to Q.34. and Q.35.

Section 32(3) of the Telecommunications Act 2023, provides that the Adjudication Officer shall have due regard to the factors given thereunder while imposing penalties.

The violations, factors and their severity or non-severity may vary from case to case basis. It will a good guidance if the Rules are made, which provide some examples of 'violations' and their categorisation which can provide clarity and consistency.

The violations and factors to be considered while formulating the types of violations and their severity or non-severity may vary from case to case basis and which will require serious consideration by the governing authorities. The rules made in this regard should provide for some examples of 'violations' and their categorisation which can give clarity to the

authorized entities for compliance purposes. This would also help in establishing standards and maintain consistency in imposition of penalties for specific types of violations.

In cases where, the extant UL license prescribes penalty upto Rs. 50 Crore, the same should be removed and replaced by civil penalties as specified in the Second Schedule to the Telecommunications Act.

Q36. In case it is decided to introduce a unified service authorisation for the provision of end-to-end telecommunication services with pan-India service area, what should be the: -

- (i) Amount of application processing fees**
- (ii) Amount of entry fees**
- (iii) Provisions of bank guarantees**
- (iv) Definitions of GR, ApGR and AGR**
- (v) Rate of authorisation fee**
- (vi) Minimum equity and networth of the Authorised entity**

Please support your response with proper justification.

BIF Response to Q.36.

As mentioned in our Response to Q.5. and Q.6., there is no need to introduce a unified service authorisation at the national level for the provision of end-to-end telecommunication services with a pan-India service area under the Telecommunications Act, 2023. If this is implemented, it will negatively impact other players who have specific service authorisations or are present in particular service areas or districts.

Clause 3(2) of the Telecommunications Act states that the Central Government may, while making rules under sub-section (1), provide for different terms and conditions of authorisation for different types of telecommunication services, telecommunication networks, or radio equipment. There is a framework for different types of services, and various players have taken different authorisations and made investments based on the principles of a stable framework and the promotion of competition. We strongly submit that the framework should not be transformed overnight by adding a regulatory definition of 'telecommunication services' such as Unified Service. This will severely harm players with individual authorisations. If any changes are required to be made to the service authorisations, the same should only be given effect after an impact analysis on each segment is undertaken to better understand the need and impact of such changes.

In our view, this question should not be raised unless TRAI conducts a due consultation on this issue, addressing all the points mentioned above and in our Response to Q5. In our opinion, without thorough consultations and comprehensive market assessments, addressing these questions is premature.

Without prejudice to the above, in the context of given question, following issues will further arise:

- A) The spectrum charges are levied at present on access services, provided through wireless. Such spectrum charges are applicable for extant Telecom Circles/ Metros wise. In case of unified service authorisation, such service area wise separation will have to be made for the purpose of spectrum charges. The accounting separation then will become more difficult, as it will be required for both service and for service area. For example, the GR, ApGR and AGR for spectrum will have to be derived from overall pan India revenues from all services to extant service service area and to wireless services. In merged revenues of unified services, it will be difficult to derive and deduce the same, especially when the subscriber billing will be common for unified services.
- B) The pass through computations for both Spectrum Charges and License Fee will differ, considering that service area with respect to Spectrum Charges continue to be the extant Telecom Circles/ Metros, whereas for License Fee the service area will be pan India.
- C) The Bank Guarantees (Financial and Performance) will also continue to be as per extant service area wise with respect to access services, considering that spectrum charges will continue to be computed extant service area wise.

Q37. In case it is decided to enhance the scope of Internet Service authorisation as indicated in the Q7 above, what should be the:

- (i) Amount of application processing fees**
- (ii) Amount of entry fees**
- (iii) Provisions of bank guarantees**
- (iv) Definitions of GR, ApGR and AGR**
- (v) Rate of authorisation fee**
- (vi) Minimum equity and networth of the Authorised entity**

Please support your response with proper justification.

BIF Response to Q.37.

Kindly refer to Response to Q.7. & Q.8.

Unlike in case of unified service - pan India authorisation, where all services and all service areas are suggested to be brought under a super authorisation, in the case of Internet Service, the service area remains the same and only one or two elements are getting added under Internet authorisation.

Thus, in case it is decided to enhance the scope of Internet Service authorisation as indicated in Response to the Q.7. above, then the proposed rates given for entry fee as given table 3.2 may be kept the same. The existing minimum equity and networth criteria should continue and the processing fee, should be reduced to Rs.10,000/- for all cases.

Q38. In case it is decided to merge the scopes of the extant NLD Service authorisation and ILD Service authorisation into a single authorisation namely Long Distance Service authorisation under the Telecommunications Act, 2023, what should be the:

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- (i) Amount of application processing fees
- (ii) Amount of entry fees
- (iii) Provisions of bank guarantees
- (iv) Definitions of GR, ApGR and AGR
- (v) Rate of authorisation fee
- (vi) Minimum equity and networth of the Authorised entity

Please support your response with proper justification.

BIF Response to Q.38.

Without prejudice to our Response to Q.9. and Q.10., it is submitted that in case it is decided to enhance the scope of NLD and ILD service authorization is made into a single one, then the proposed rates given for entry fee as given table 3.2 of Consultation Paper may be followed. The existing minimum equity and net-worth criteria should continue.

Q39. In case it is decided to merge the scopes of the extant GMPCS authorisation and Commercial VSAT CUG Service authorisation into a single authorisation namely Satellite-based Telecommunication Service authorisation under the Telecommunications Act, 2023, what should be the: -

- (i) Amount of application processing fees
- (ii) Amount of entry fees
- (iii) Provisions of bank guarantee
- (iv) Definitions of GR, ApGR and AGR
- (v) Rate of authorisation fee
- (vi) Minimum equity and networth of the Authorised entity

Please support your response with proper justification.

BIF Response to Q.39.

The type of authorisations which use satellite based services are completely distinct from any other type of authorisation and therefore, their scope should be separate as compared to any other type of service or authorisation.

Satellite Authorisations should be pan-India basis and spectrum should be allocated in an administrative manner for all types of services. Service Authorisations should remain separate for GMPCS, Commercial VSAT and Captive VSAT.

As mentioned earlier there should be nominal levy of license fees, doing away with the USOF component of the license fee once these services are being deployed in areas (viz. Rural and remote) for which USOF Component of levy are meant.

Q40. In case you are of the opinion that there is a need for clubbing the scopes of some other authorisations into a single authorisation under the Telecommunications Act, 2023 for bringing more efficiency in the operations, what should be the:

- (i) Amount of application processing fees**
- (ii) Amount of entry fees**
- (iii) Provisions of bank guarantees**
- (iv) Definitions of GR, ApGR and AGR**
- (v) Rate of authorisation fee**
- (vi) Minimum equity and networth of the Authorised entity**

Please support your response with proper justification.

Q41. In case you are of the opinion there is a need to introduce certain new authorisations or sub-categories of authorisations under the Telecommunications Act, 2023, what should be the: -

- (i) Amount of application processing fees**
- (ii) Amount of entry fees**
- (iii) Provisions of bank guarantees**
- (iv) Definitions of GR, ApGR and AGR**
- (v) Rate of authorisation fee**
- (vi) Minimum equity and networth of the Authorised entity**

Please support your response with proper justification.

BIF Response to Q.40. and Q.41.

No comments.

Q42. What should be the amount of application processing fees for the various service authorisations including VNOs, other than the merged/clubbed/new service authorisations? Please provide your response for each of the service authorisation separately.

BIF Response to Q.42.

Processing Fee should be kept to minimum, i.e. Rs.10,000/- overall per incident, irrespective of numbers or types of authorisations.

Q43. Whether the amount of entry fee and provisions for bank guarantee for various service authorisations including VNOs, other than the merged/clubbed/new service authorisations, should be:

- i. kept the same as existing for the various service authorisations under the UL/UL(VNO) license
- ii. kept the same as recommended by the Authority for the various service authorisations under the UL/UL(VNO) license, vide its Recommendations dated 19.09.2023
- iii. or some other provisions may be made for the purpose of Entry Fee and Bank Guarantees

Please support your response with proper justification separately for each authorisation.

BIF Response to Q.43.

Without prejudice to our response on these subject in earlier question, we submit that TRAI's recommendations dated 19.09.2023 on 'Rationalisation of Entry Fee and Bank Guarantees' may be followed.

However, the current maximum entry fee prescribed for UL (VNO) should be kept at optimal level (max. INR 1.0 Cr. instead of INR 7.5Cr) so that the new entrants are able to invest more in CAPEX/OPEX for setting up the network and managing operations smoothly. Otherwise also, as the tenure of VNO licence is only 10 years, the current fee of INR 7.5 Cr. becomes equal to the full TSP licence for that category of service.

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.

BIF Response to Q.44.

No comments.

Q45. In case it is decided to merge the scopes of the extant IP-I Registration and the Digital Connectivity Infrastructure Provider (DCIP) authorisation into a single authorisation under the Telecommunications Act, 2023, what should be the: -

- i. Amount of application processing fees
- ii. Amount of entry fees

- iii. **Any other Fees/Charge**
- iv. **Minimum equity and networth etc. of the Authorised entity.**

Please support your response with proper justification.

BIF Response to Q.45.

Without prejudice to Response to Q.13. and Q.14., in case it is decided to merge the scopes of the extant IP-I Registration and the Digital Connectivity Infrastructure Provider (DCIP) authorisation into a single authorisation under the Telecommunications Act, 2023, the entry fee should be as applicable to IP-1s and application fee should be kept at maximum Rs.10,000/-. There should not be any additional charges , any eligibility conditions, any PBG or FBG.

Q46. For MNP license and CMRTS authorisation, should the amount of entry fee and provisions of bank guarantees be:

- i. **kept same as existing for the respective license/authorisation.**
- ii. **kept the same as recommended by the Authority vide its Recommendations dated 19.09.2023**
- iii. **or some other provisions may be made for the purpose of Entry Fee and Bank Guarantees**

Please support your response with proper justification separately for each authorisation.

Q47. For other standalone licenses/ registrations/ authorisations/ permissions, should the existing framework for financial conditions be continued? Please provide detailed justification.

Q48. If answer to question above is no, what should be the new/revised financial requirement viz. bank guarantee/ entry fee/ processing fee/ authorisation fees/ registration fees or any other charge/ fees? Please provide detailed justification in support of your response for each other license/ registration/ authorisation/ permission separately.

BIF Response to Q.46, Q.47. and Q.48.

Without prejudice to our response in earlier questions , we submit that TRAI's recommendations dated 19.09.2023 on 'Rationalisation of Entry Fee and Bank Guarantees' may be followed.

Q49. In case of the merged M2M-WPAN/WLAN service authorisation, what should be the processing fees or any other applicable fees/ charges. Please support your response with proper justification.

BIF Response to Q.49.

Since M2M-WPAN/WLAN service authorisation does not require any scarce resources, hence it should be subject to a simple permission, which may be termed as 'General Authorisation'. For such authorisations, there needs to be zero fees and levies. This will help encourage the vast Startups and MSMEs to take up M2M services in local and regional areas.

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.

BIF Response to Q.50.

A declaration by the company attesting to the accuracy of the quarterly payment of license fee and spectrum usage charges would be a simpler way for meeting the regulatory requirement. This would balance the need for compliance with ease of doing business, however, the penalties for false declarations would have to be clearly laid out in the Rules.

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 alongwith detailed justification for the inclusion/deletion.

Q52. In case of a unified service authorisation for the provision of end-to-end telecommunication services with pan-India service area, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

Q53. In case the scope of Internet Service authorisation is enhanced, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

Q54. In case of merged extant NLD Service authorisation and ILD Service authorisation into a single authorisation namely Long Distance Service authorisation, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

Q55. In case of merged extant GMPACS authorisation and Commercial VSAT CUG Service authorisation into a single authorisation namely Satellite-based Telecommunication Service authorisation, what should be the format of Statement of

Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

Q56. In case you have proposed to club the scope of some of other authorisations OR introduce certain new authorisations/ sub-categories of authorisations, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

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 authorisations under UL, UL(VNO) and MNP licenses? Please give detailed response with proper justification for each authorisation/license separately.

BIF Response to Q.51. to Q.57.

Without prejudice to our responses to earlier questions with respect to such authorisations, we submit that in absence of any clarity on clubbing of authorizations and changes in scopes as well as terms and conditions, it will be difficult to comment on the statements and would be a premature exercise devoid of any direction.

Q58. In case of migration, how the entry fee already paid by the company be calculated/ prescribed for the relevant authorisation(s)? Please provide detailed justification in support of your response.

Q59. Should the application processing fee be applicable in case of migration. In case the response is yes, what should be amount of application processing fee? Please give reason(s) in support of your answer.

BIF Response to Q.58. and Q.59.

In regard to the above, if possible, set off should be given for entry fee and the processing fee should be kept minimal for all services.

Q60. What should be terms and conditions of security interest which Government may prescribe? Please provide detailed response.

BIF Response to Q.60.

The terms and conditions will depend on which security interests the Central Government may prescribe. Addressing this question would be premature.

Q61. Whether there are any other issues/ suggestions relevant to the fees and charges for the authorisations to provide telecommunication services? The same may be submitted with proper explanation and justification.

BIF Response to Q.61.

One of the relevant issues is to consider the requirement of License Fee condition in the authorisations. Section 3 of The Telecommunications Act provides that intending entity shall obtain an authorisation from the Central Government, subject to such terms and conditions, including fees or charges, as may be prescribed.

It is submitted that, at the most, fees or charges must be limited to administrative and regulatory costs to the Central Government. In the given situation, the License Fee, including contribution to DBN under an authorisation, is a very high cost to the telecom users who are already paying 18% GST on their bills (at one point of time the rate of Service tax was 5%). The overall burden on the telecom users on account of taxes, fees and charges will be much more than 30%, which still does not include tax collected by the Government from users and service providers on the equipment.

The USO/DBN fund contribution, has been continuing since decades. The overall tele density and coverage have increased multiple times since then and it is a double whammy that with increase in coverage the service providers are being subject to increase in contribution to USO/DBN Funds (because it is in proportion of their revenues).

The reduction or removal of license fee will benefit users, economy and the country as it will lead to more coverage and/or to affordability. This, in our view, requires an urgent consideration.

ANNEXURE 1:

As mentioned in response to Q.1., EU Telecom Regulatory Regime

The general authorisation regime introduced under [Electronics Communications Code](#) provides that the operator would be required to submit only a notification of its activity to the concerned National Regulatory Authority (NRA) without needing to obtain an explicit decision or any other administrative act. As an exception to the 'general authorisation' regime, member states can grant, upon request, individual licenses for the use of scarce resources: frequencies, numbers, and rights of way.

[Article 12](#) provides that "*Member States shall not prevent an undertaking from providing electronic communications networks or services, except where this is necessary for the reasons set out in Article 52(1) TFEU. Any such limitation to the freedom to provide electronic communications networks and services shall be duly reasoned and shall be notified to the Commission.*" It further states that the provision of electronic communications networks or services, other than number-independent interpersonal communications services, may, without prejudice to the specific obligations referred to in Article 13(2) or rights of use referred to in Articles 46 (Authorisation of the use of radio spectrum) and 94 (Procedure for granting of rights of use for numbering resources), be subject only to a general authorisation. No duplication of condition of general authorisation where right of use of spectrum or numbering resources is granted.

Article 13(2) also provides that for transparency purposes, the criteria and procedures for imposing such specific obligations on individual undertakings shall be referred to in the general authorisation.

[BEREC](#) established the [General Authorisation Database \(GADB\)](#) is a European Union (EU) database that consists of notifications from providers of electronic communications networks and services transmitted to the competent authorities in the EU Member States by undertakings. BEREC's guidelines on the [notification template](#) provide the options of services and networks available for the operator to choose from for notification purposes.

BEREC has issued the following [guidelines](#) on:

- Intra-EU Communications (update);
- Minimum Criteria for a Reference Offer;
- General Authorisation Notifications;
- Network Termination Point;
- Geographical Surveys of Network Deployments;
- Numbering Resources for non-ECN/non-ECS;
- Quality of Service;
- Public Warning Systems;

- Very High Capacity Networks;
- Symmetric Access Obligations;
- Co-Investment Criteria.

Conditions attached to Authorisations under Annex I of EEC

General Conditions (Part A)

1. Administrative Charges: Compliance with Article 16.
2. Data and Privacy Protection: In line with Directive 2002/58/EC.
3. Information Provision: Notification and information requirements per Articles 12 and 21.
4. Legal Interception: Must enable lawful interception (Regulation (EU) 2016/679, Directive 2002/58/EC).
5. Public Warning Communications: Terms for emergency warnings.
6. Disaster and Emergency Communications: Terms for maintaining communications during crises.
7. Access Obligations: Beyond Article 13 requirements.
8. Standards Compliance: Ensuring adherence to standards in Article 39.
9. Transparency Obligations: Ensuring end-to-end connectivity and verification by authorities.

Electronic Communications Networks (Part B)

1. Network Interconnection: As per the Directive.
2. Public Health Protection: Against electromagnetic fields (Recommendation 1999/519/EC).
3. Network Integrity: Maintenance and interference prevention.
4. Network Security: Protection against unauthorized access (Directive 2002/58/EC).
5. Radio Spectrum Use: Conditions for non-individual spectrum rights.

Electronic Communications Services (Part C)

1. Service Interoperability: Ensuring services work together.
2. Number Accessibility: Access to national and international numbers.
3. Consumer Protection: Sector-specific rules.
4. Content Transmission Restrictions: Illegal and harmful content management (Directive 2000/31/EC, Directive 2010/13/EU).

Rights of Use for Radio Spectrum (Part D)

1. Service and Technology Use: Coverage and quality requirements.
2. Spectrum Efficiency: Effective use as per the Directive.
3. Technical Conditions: Avoiding harmful interference, public health protection.
4. Duration and Changes: Rights duration and frequency allocation updates.
5. Transfer and Leasing: Conditions for spectrum rights transfer.
6. Fees: Compliance with Article 42.
7. Commitments: Fulfilment of pre-authorisation commitments.
8. Spectrum Sharing: Pooling or sharing requirements.
9. International Agreements: Compliance with spectrum use agreements.
10. Experimental Use: Conditions for experimental spectrum use.

Rights of Use for Numbering Resources (Part E)

1. Service Designation: Specific service and tariff requirements.

2. Number Efficiency: Effective use of numbering resources.
3. Portability: Number portability requirements.
4. Directory Information: Providing end-user directory information.
5. Duration and Changes: Rights duration and national numbering plan updates.
6. Transfer of Rights: Conditions for transferring number rights.
7. Fees: Compliance with Article 95.
8. Competitive Commitments: Fulfilment of selection procedure commitments.
9. International Agreements: Compliance with number use agreements.
10. Extraterrestrial Use: Ensuring compliance with rules across the Union.