

BIF RESPONSE TO SUPPLEMENTARY CONSULTATION PAPER ON DATA COMMUNICATION SERVICES BETWEEN AIRCRAFT AND GROUND STATIONS PROVIDED BY ORGANIZATIONS OTHER THAN AIRPORTS AUTHORITY OF INDIA

SQ1. In case it is decided to bring data communication services between aircraft and ground stations provided by organizations other than Airports Authority of India under service licensing regime, what should be the eligibility conditions for obtaining service licence for data communication services between aircraft and ground stations? Please provide a detailed response with justifications.

BIF Response

BIF is of the opinion that if at all licensing is envisaged for this service, which essentially is a captive data service inside an enterprise and has no connectivity to PSTN/PLMN or even the Public Internet, it should be done through a light touch standalone license.

At present, commercial data communication services are being regulated through Unified License. On the other hand, captive network-based services (such as Captive Non-Public Network -CNPN and Captive Mobile Radio Trunking Service) are being regulated through light touch licensing regimes. On 27.06.2022, DoT issued 'Guidelines for Captive Non-Public Network (CNPN) License'. Through these guidelines, DoT decided, inter-alia, to enable enterprises to establish CNPNs in India. An entity will have to obtain CNPN License from the Government for this purpose. A CNPN licensee may obtain frequency spectrum directly from the Government and establish its own isolated network.

Since the Government has brought the establishment, maintenance, and working of Captive Non-Public Network (CNPN) under a licensing regime, a similar proposal to regulate data communication services between aircraft and ground stations could possibly be conceived due to the following reasons:

- (i) 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) However, it is not part of any public communication service viz. PSTN, PLMN, etc or part of the public internet service.

Hence, we feel there is a need to get all data communication services between aircraft & ground stations under a service license similar to that of the CNPN license. This license would be a 'light touch' one.

SQ2: In case it is decided to auction the spectrum in the frequency range 117.975-137 MHz for Data Communication Services Between Aircraft and Ground Stations, - (a) What should

be the eligibility conditions for participating in auction? (b) Whether the entire available spectrum in 117.975 - 137 MHz band at each airport/ ground station should be put to auction? (c) What should be the block size of spectrum and minimum bid quantity in terms of number of blocks? (d) What should be the spectrum cap for each airport/ ground station? (e) What should be the roll-out obligations associated with the assignment of spectrum at each airport/ ground station? (f) What should be the period of assignment of spectrum? (g) What should be the minimum period beyond which the spectrum acquired through auction may be permitted to be surrendered? (h) What should be the process and associated terms and conditions for permitting surrender of spectrum through auction? Kindly provide a detailed response with justification in respect of each of the above.

BIF Response

BIF is of the firm view that Spectrum should be **assigned administratively** and not through commercial auctions with suitable power/emission limits to ensure protection of other co-primary and secondary users in the same band. Reason: This is not for commercial use, but for strategic use.

SQ3. In case of auction based and/or administrative assignment of spectrum, what should the payment terms and associated conditions for the assignment of spectrum for Data Communication Services between Aircraft and ground Stations relating to: (i) Upfront payment, (ii) Moratorium period, (iii) Total number of instalments to recover deferred payments, and (iv) Rate of discount in respect of deferred payment and prepayment? Please support your answer with detailed justification.

BIF Response

Based on the learnings and from international best practices, the current DoT method (of 2012) of formula based administrative charges is recommended.

SQ4. Whether there are any other issues/ suggestions relevant to the subject? The same may be submitted with proper explanation and justification.

BIF Response

None