

Cpa/kn/514/10

14/05/2010

To,

Hon. Shri Aravind Kumar,  
Joint Advisor ( I & FN ),  
Telecom Regulatory Authority of India,  
Mahanagar Doorsanchar Bhavan,  
Jawaharlal Nehru Marg,  
( Old Minto Road ), NEW DELHI : 110002.

Sub. : Consultation Paper No. 4/2010 on “ Collocation Charges “.

Hon. Sir,

Please find herewith a comments on Consultation paper No. 4/2010 on “ Collocation Charges.

Due to my Accident & not working broadband it was not possible for me to send it in time.

Please acknowledge the receipt.

Thanks.

Yours faithfully,

( Dr. Kashyapnath )  
President

**CONSUMER PROTECTION ASSOCIATION  
HIMMATNAGAR  
DIST. SABARKANTHA  
GUJARAT**

**CONSULTATION PAPER ON COLLOCATION CHARGES**

This suggestions should be used for the joint telecommunication facilities or establishment. The collocation provider must adopt a queuing policy when dealing with collocation requests.

**1. PROCEDURE FOR MAKING APPLICATION :**

1. It should apply to an entity authorized for laying, building, operating or expanding city or local Telecommunication net work in accordance with the provisions specified in Telegraph Act. (Authorizing entity to lay build, operate or expand city or telecommunication )
2. It should lay down code of practice for promoting reliable service to consumers and the public by an entity authorized for collocation ( i.e. laying, building, operating or expanding the net work )
3. This should be in addition to the broad guidelines on quality of service covered under establishments by concluding an agreement, upon receipt of a request of the telecommunication provider for an access to or a joint use of the telecommunications facilities or establishments, such as duct, cable, poles or station building of the relevant common carrier, tower, for installing or operating facilities required for interconnection of their telecommunication facilities.
4. Or TRAI shall advise to announce the scope, conditions, procedures and methods for an access to or a joint use of the telecommunication facilities or establishments, and the criteria for calculating charges.
5. The collocation seeker must give a range of information such as details of the equipments that will be co-located, power requirements, heat out put and installation period to the collocation provider.
6. Nominated employees of the collocation seeker are allowed to access their equipments at any time. The collocation provider is permitted to use an escort for the collocation seeker . The use of a site register should be allowed.
7. There should be collocation registration fee worth Rs. 10,000/-. No separate fee for processing of collocation request should be charged.

An operator desirous of interconnecting with another operator is at liberty to choose the type of collocation suitable for its operation. Request for remote collocation shall not be rejected on any grounds including grounds of insufficient capacity, safety considerations, reliability or other general engineering considerations.

The decision to refuse an application shall be communicated in writing to the requesting operator specifying the reasons for such refusal with the copy to TRAI. The TRAI shall be at liberty to inquire into the decision refusing access.

All the agreements should be registered with the appropriate authorities with a copy to TRAI. The terms offered should be in compliance with the principles of neutrality, transparency, non-discrimination and fair competition.

## 2. REASONS FOR COLLOCATION REJECTION BY THE COLLOCATION PROVIDER :

- a. Required licenses or documents not available.
- b. Interconnection of the network technically not feasible.
- c. Black listed telecom companies.
- d. Anti nationalist activities by the telecom company.
- e. Insufficient capacity
- f. Safety, reliability, incompatibility of facilities
- g. General engineering consideration.
- h. The collocation provider may terminate the lease of collocation space at any time by giving a notice of 30 days if the collocation seeker fails to complete the installation within a stipulated time period. The collocation provider may grant a reasonable extension for installation if the circumstances beyond the collocation seeker's control. Such request must be received before the expiry of the time period.

The collocation provider should publish the allocation capacity, reservation of capacity, re-location and separation.

## 3-4. GIVE THE REASONS BECAUSE WHICH AN ONGOING COLLOCATION AGREEMENT CAN BE TERMINATED BY THE COLLOCATION PROVIDER :

- a) Service provided to collocation seeker may be disconnected after giving one month notice in subjected to License, Regulations issued by TRAI and the orders issued by licensor from time to time. Such disconnection shall be duly intimated to UASP with copy to TRAI.
- b) In case of defaulting payment of more than two periods, the entity may issue a notice for a period of 30 days and disconnect with intimation if the payment is not received within the notice period, which should be resumed after clearance of all the outstanding dues with applicable bank interest only.
- c) The collocation provider shall give written notice of not less than 3 months before termination on any one of the following reasons :
  - i) For violation of the terms and conditions of contract.
  - ii) For using the equipments which adversely affects the entity's services to the other consumers.

## TERMINATION : COLLOCATION SEEKER INITIATED :

1. In case of temporary termination for a period of one year the entity may charge maintenance cost but the security deposit shall not be refunded.
  2. In case of permanent termination, the collocation provider should refund the deposited amount after the adjustment.
- j) On termination the collocation seeker has absolute right on the infrastructure developed by him.

- k) The superstructure developed by the collocation seeker should be handed over to the collocation provider only if he wants at market price.
- l) After the termination the collocation provider will be the custodian of the infrastructure developed by the collocation seeker for six months only for which the collocation provider may take the rental price.

## 5. TRANSPERENT AND NON-DISCRIMINATORY TREATMENT IN PRICING AND PROVISIONING OF COLLOCATION FACILITY :

Price for collocation should be non-discriminatory, reasonable, and based on the actual cost incurred by the owner of the collocation provider. Determination of the costs underlying prices should be transparent and natural.

To ensure transparent and non discriminatory treatment in pricing and provisioning of collocation facilities it should be mandatorily published on the providers' websites.

7. The charges should be quoted per rack/bay inclusive of all facilities.

The charges for passive Infrastructure should be Rs. 1,00,000 per bay per annum. This includes :

1. Space for one transmission bay and rack.
  2. D.C. Power which ever is required
  3. AC power for lights, fans, testing instruments etc.
  4. Air conditioning charges ( sharing of existing air-conditioning system )
  5. UPS and generator backup
  6. Earthing charges ( Tapping from exchange earth bar is allowed )
  7. Fire equipment - sharing
8. What elements should be taken into consideration for costing collocation and what should be the costing methodology for calculation of various elements like :
- Charges for space both in case of owned and rented buildings. Should the calculations be based on the carpet area or super area ?

Charges for space both in case of owned and rented buildings should be calculated on the super area as the super will automatically be in use in future if necessary

- Should be the charges be based on market rent or any other criterion.. :

After considering the orders of Hon. High court, side effects of the radiations from the towers and remote areas the charges should be fixed. We think, it should be based on commercially negotiated between the parties.

- combined Electricity and Miscellaneous charges should be borne by both the parties. Personalized should be borne individually.
- Charges for in-premises duct sharing : Rs. 50 per meter per anum
- Charges for tower sharing ( for the purpose of mounting of antenna for inter connect link should be individual.

- Charges for sharing of any other facility required for collocating equipment for interconnection. : should be borne by both the parties including maintenance.
- Incase one wants to interconnect with another operator who is also present, both operators shall be liable to pay an additional charges.
- Annual escalation for the charges :

Since energy costs contribute a significant portion of the operations cost escalation charges should be applied. They should be 4 % for Electric Bill tariff and Diesel.

Neither party may, as a provider, cause or allow any alteration to its premises that could reasonable be expected to affect the other party's equipment without the other party's consent, which may be given subject to reasonable conditions and must not be unreasonably withheld.

Charges :

Terms and conditions including miscellaneous financial charges should initially be arranged by commercial negotiation between the two parties.

But if two parties are unable to agree on terms and conditions, these should be determined by an arbitrator or, if parties cannot agree on an arbitrator, TRAI may interfere into the matter.

TRAI has power to declare specific telecommunication services to be subject to the access regime., Once a service is declared by TRAI, a collocation provider is obliged to supply it to the collocation seeker. TRAI is responsible for declaring service that are subject to this regime and for conducting arbitration when the collocation provider cannot agree on the terms and conditions. TRAI should maintain the required documents.

All payments and rates for routing of calls, Access charges, interconnection charges, revenue sharing etc. will be born by both then parties.

UPGRADATION :

The charges of the enhancement of features in switching and transmission networks and their up-gradation made by either party for providing the specific facilities, on the request of the other party, the cost will paid by the requesting party with the permission of the other party.

10. Should there be a well defined criteria for allowing collocation provider to retain space for own need ?

The technology is now being more & more Compaq So, we think there will be no need for collocation provider to retain space for own need even though if he needs for his own development, he should be submit the future plan. But it is utmost necessary to retain space to prevent hazardous effects of the radiations to local public.

**OTHER USES OF THE TRANSMISSIONS LIKE MEDIA ETC. MUST BE DISCUSSED DEEPLY.**

( Dr. Kashyapnath )  
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