



DIGITAL
LIFE



RJIL/TRAI/2023-24/155

24th August 2023

To,

Shri Akhilesh Kumar Trivedi,
Advisor (Networks, Spectrum and Licensing),
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi - 110002

Subject: RJIL's comments on TRAI's Supplementary Consultation Paper dated 03.08.2023 on "Data Communication Services Between Aircraft and Ground Stations Provided by Organizations Other Than Airports Authority of India".

Dear Sir,

Please find enclosed the comments of Reliance Jio Infocomm Limited (RJIL) on the Supplementary Consultation Paper dated 03.08.2023 on "Data Communication Services Between Aircraft and Ground Stations Provided by Organizations Other Than Airports Authority of India".

Thanking you,

Yours Sincerely,

For **Reliance Jio Infocomm Limited**


Kapoor Singh Guliani
Authorized Signatory



Enclosure: As above

Reliance Jio Infocomm Limited, CIN: U72900GJ2007PLC105869

Correspondence Address: D-7, Dhawandeep Building, 6, Jantar Mantar Road, New Delhi-110001, India, Tel: 011-43523795, Fax: 011-23340453
Registered Office: Office - 101, Saffron, Nr. Centre Point, Panchwati 5 Rasta, Ambawadi, Ahmedabad-380006, Gujarat, India. Tel no: 079-35600100
www.jio.com

**Reliance Jio Infocomm Limited's comments on TRAI's Supplementary Consultation Paper
on**

**"Data Communication Services Between Aircraft and Ground Stations Provided by
Organizations Other Than Airports Authority of India" dated 3rd August 2023.**

Preface:

1. Reliance Jio Infocomm Limited (RJIL) thanks the Authority for issuing this supplementary consultation paper to deliberate the critical issues pertaining to auction of spectrum for **data communication services between Aircraft and Ground Stations Provided by Non-Government Organizations**.
2. We reiterate our submissions that the air-to-ground data link to obtain information from aircrafts such as passenger information, aircraft engine parameters, etc. through "Aircraft Communication Addressing and Reporting system (ACAR)" is a **critical telecommunication service for Aircraft and passenger safety and should be brought under permanent regulatory oversight by inclusion of a new Authorization under Unified License**.
3. We submit that as this is a niche service with low requirement of spectrum, the financial eligibility requirements should be kept in line with other such niche national level service authorizations like VSAT. All other eligibility conditions to obtain the Unified License should be applicable.
4. The Wireless Planning and Coordination (WPC) wing of Department of Telecommunications (DoT) has already allocated the frequency band 117.975-137 MHz for Aeronautical Mobile (R) service under the National Frequency Allocation Plan-2022 (NFAP-2022), in line with primary allocation by International Telecommunication Union (ITU). Considering the fact, the mentioned VHF communication can take place only in 'line of sight', this spectrum assignment is sufficient for these important ground to air communication services.
5. Further, we submit that in compliance with the **Hon'ble Supreme Court clear and unambiguous Judgement** in landmark 2G case in CWP 423 of 2010 dated 2nd February 2012, **right to use such spectrum should only be alienated by a transparent auction. Accordingly, there should be no consideration of any other spectrum assignment methodology than auction for this spectrum as well.**
6. We have already submitted our views on the valuation this spectrum for auction that should be based on the auction determined price (ADP) and efficiency factor vis-à-vis other similar spectrum bands, which would be spectrum assignment for FM Radio. The

Authority can use a combination of ADP for FM radio, the business case for the service basis data available with existing service providers and derive an initial valuation for the spectrum.

7. Further, as this spectrum assignment will be for a specific service, the scope of this service should be restricted only to line of sight data communication between ground station and cockpit of the aircraft. In no case, should this spectrum be used for any other service.
8. Regarding the auction methodology and payment mechanism, we submit that there is no need to change the conditions provided in the latest Notice Inviting Applications (NIA) for auction of spectrum in 600 MHz, 700 MHz, 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz, and 26 GHz bands dated 15.06.2022, and the same should be followed.
9. To summarise, we submit as under:

1. **The data communication services between Aircraft and Ground Stations should be offered only under a Unified License Authorization**
2. **The eligibility conditions and financial requirements to obtain the authorization should be akin to similar Authorizations like VSAT**
3. **The spectrum for this service should be auctioned.**
4. **The valuation of spectrum should be done basis the empirical data and ADP of already auctioned spectrum closest to this band.**
5. **The existing NIA provisions for payment methodology etc. should be applicable.**

Issue wise response:

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.

RJIL Response:

1. We reiterate our submissions to the consultation paper that all communication services being offered by non-Government organizations should be offered within the **purview of Section 4 of Indian Telegraph Act and should be offered only under a suitable authorization under Unified License.**

2. We submit that the Authority has already suggested light touch regulatory framework-based Authorization for an analogous service under its Recommendations on Licensing Framework for Establishing and Operating Satellite Earth Station Gateway (SESG) dated 29th November 2022, a similar service license basis the scope of service can be proposed for data communication services between aircraft and ground stations.
3. However, as the new licensees will be required to obtain spectrum through auction to offer their line-of-sight data services, the spectrum and roll-out obligations specific licensing conditions should be aligned with the access service authorization. We bring the Authority's attention to the fact that even the international precedents shared by the Authority in main consultation paper were indicating that Licensing is most preferred mode of regulating this ground to air service.
4. As far as eligibility conditions are concerned, we submit that besides complying with the general conditions of the Unified License on ownership, FDI etc. the applicant should be required to meet the minimum financial requirements equivalent to another national level authorizations like VSAT. We submit that minimal financial requirements will be conducive for serious participation by new Indian companies. **We further reiterate that facilitative eligibility conditions will be important to open this service sector to competition by providing a settled regulatory oversight.**

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?

RJIL Response:

We submit that there is no need to alter the eligibility criteria to participate in the auction barring the inclusions related to new Authorization. We request the Authority to continue with the following eligibility criteria to participate in the auction under the previous NIA, as detailed below:

- (i) Any licensee that holds a UASL/ UL with authorization for Access Services/Internet Services/ Data service between Aircraft and Ground Stations for that LSA/national; or
- (ii) Any licensee that fulfils the eligibility criteria for obtaining a Unified License with authorization for Access Services/ Data service between Aircraft and Ground Stations, and gives an undertaking to obtain a Unified License with authorization for Access Services; or

(iii) Any entity that gives an undertaking to obtain a Unified License with authorization for Access Services/ Data service between Aircraft and Ground Stations through a New Entrant Nominee as per the DoT guidelines/ license conditions can bid for spectrum in the various bands, subject to other provisions of the NIA.

(b) Whether the entire available spectrum in 117.975 - 137 MHz band at each airport/ ground station should be put to auction?

RJIL Response: We are of firm opinion that in all spectrum auctions, entire spectrum available for use, should be put to auction. Therefore, we submit that 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?

RJIL Response: We agree with the International Standards and Recommended Practices [Volume V (Aeronautical Radio Frequency Spectrum Utilization) of Annex-10 (Aeronautical Telecommunications) to the Convention on International Civil Aviation] issued by International Civil Aviation Organization (ICAO). Accordingly, we submit that the block size for auction can be kept at 8.33 kHz. Further, in line with these standards, the minimum separation between assignable frequencies in the aeronautical mobile (R) service shall be 8.33 kHz.

(d) What should be the spectrum cap for each airport/ ground station?

RJIL Response: We do not support in-band spectrum cap.

(e) What should be the roll-out obligations associated with the assignment of spectrum at each airport/ ground station?

RJIL Response: As the line of sight data communication between aircraft and ground station are critical services, therefore, a successful bidder should be required to roll-out services within one year of assignment of spectrum.

(f) What should be the period of assignment of spectrum?

RJIL Response: In line with other spectrum bands assigned through auction, the period of assignment of spectrum should be 20 years.

(g) What should be the minimum period beyond which the spectrum acquired through auction may be permitted to be surrendered?

And

(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.

RJIL Response: DoT issued 'Guidelines for surrender of Access spectrum by Access Service Providers' dated 15.06.2022 should be applicable for this spectrum as well and the licensees should be permitted to surrender the spectrum only after 10 years. Similarly remaining conditions will be applicable.

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 installments to recover deferred payments, and

(iv) Rate of discount in respect of deferred payment and prepayment?

Please support your answer with detailed justification.

RJIL Response:

1. We reiterate our submissions to the consultation paper and subsequent additional comments, that the allocation criteria for any spectrum usable for providing communication services in the country will have to comply with the Hon'ble Supreme Court Judgement on allocation of spectrum in landmark 2G case in CWP 423 of 2010 dated 2nd February 2012. Therefore, besides auction of spectrum there is no scope for any other assignment methodology such as administrative assignment of spectrum. We are not extracting and reproducing the relevant extracts for the sake of brevity, as the same have already been submitted to the Authority.
2. We do not foresee any need for a change in the payment conditions under spectrum auction and the current payment conditions for new bands put to auction should be applicable for this spectrum as well.

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

RJIL Response: None