



DIGITAL  
LIFE

RJIL/TRAI/2021-22/411  
January 03, 2022

To,  
**Shri Syed Tausif Abbas**  
**Advisor (NSL)**  
**Telecom Regulatory Authority of India**  
**Mahanagar Doorsanchar Bhawan**  
**Jawaharlal Nehru Marg, New Delhi 110002**

**Subject: Counter Comments on Consultation Paper on 'Licensing Framework for Establishing Satellite Earth Station Gateway' dated 15<sup>th</sup> November 2021.**

Dear Sir,

In addition to RJIL's comments already submitted on consultation paper on the subject, please find enclosed RJIL's counter comments on Consultation Paper on 'Licensing Framework for Establishing Satellite Earth Station Gateway' dated 15<sup>th</sup> November 2021.

Thanking you,

For **Reliance Jio Infocomm Ltd.**

**Kapoor Singh Guliani**  
Authorised 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](http://www.jio.com)

**Reliance Jio Infocomm Limited's counter comments on TRAI's consultation paper on  
"Licensing Framework for Establishing Satellite Earth Station Gateway"  
(Consultation Paper No. 6/2021 dated 15<sup>th</sup> November 2021)**

1. We have had the opportunity to go through the comments submitted by the various stakeholders to the TRAI's Consultation Paper on "Licensing Framework for Establishing Satellite Earth Station Gateway" dated 15<sup>th</sup> November 2021. We note that many stakeholders have commented that feeder link frequencies can only be allocated through an administrative process as per international precedents and that auction may not be feasible.
2. We submit that our counter comments are restricted to this limited point only and **we take this opportunity to reiterate that auction is the only legally tenable mode for alienating spectrum that can be used for public/private communication networks for Indian customers and that auction of such spectrum will not be a first of its kind and that there are multiple instances of this spectrum being auctioned across the globe.**

**Auction is only option**

3. We reiterate that the Authority should once and for all discard the periodic demands for **administrative allocation of spectrum on the basis of technology, and different use and so on so forth, by clearly pronouncing that as per the Hon'ble Supreme Court judgement dated 2<sup>nd</sup> February 2012 in CWP 423 of 2010 and subsequent reiteration under Special Reference no 1 of 2012, the right to use spectrum can only be alienated by a well-publicized transparent auction. And that a sovereign country cannot go against the law established by the highest court in the land. Consequently, this position will remain final and binding for all spectrum that can be used for building commercial/private communication networks.**
4. We further reiterate that that **there should not be any disparity in statutory and regulatory charges for using the spectrum frequencies.** There should also not be a case of exemptions for societal satcom networks unless competitive exemptions are also offered to terrestrial networks in offering services in remote locations. **Further, with opening of the space segment, as envisaged under the new Spacecom Policy, more and more players, domestic as well as international, will be keen to enter the sector. Consequently, there will be a situation of large number of operators, including LEO, MEO, GEO based operators within the satellite-based communication provider fraternity in addition to terrestrial communication service provider, chasing the limited resource in terms of spectrum.** Thus, it is imperative that the spectrum allocation policies for space segment are kept on even keel with the same for terrestrial networks.

5. We submit that **in case current policy of administrative allocation of spectrum resources in space segment, which incidentally consisted of state owned agencies only, is continued, it would result into spectrum allocation for space segment on the basis of first-come-first serve, the very policy that has been criticized and junked by the Hon’ble Supreme Court.** Therefore, there is no option but to auction all frequency resources pertaining to space segment as well. This step will not only be legally tenable and consistent with principles of regulatory predictability, **but it will also ensure that ‘Same Service Same Rules’ principle is also adhered to in communication sector.**
6. In addition to the above, we request your good office to treat our detailed comments on the subject, as submitted in our response to consultation paper, as part and parcel of these submissions.

**Spectrum used by Satellite is being auctioned across the world**

7. We submit that contrary to what is being pedalled by many stakeholders in the response to the consultation paper, **administrative allocation is no longer the only mode of allocating spectrum to satellite and associated activities and auction of spectrum is being increasingly favoured across the world.**
8. We reiterate that administrative allocation is a relic of competition free past and as the sector is getting more and more competitive the auction is becoming the preferred choice as is evident from the following details of countries where spectrum auction for satellite services has been announced or held recently.

Country	Auction Year (latest)	Tenure	Orbital Location	Resource allocated	Assignment Method	Type of Service allowed	Auction Proceeds	Remarks
Brazil	2015	15 years	GSO	Spectrum landing rights + orbital slot	Multiple-round, sealed bid auction process	FSS	183.7 million Brazilian reals	Winning bidders can choose among orbital positions available.
Saudi Arabia	2021 (In the process)	11 years	GSO/NGSO	Spectrum landing rights	Auction	Block A1 – Technology neutral	Reserve Price: - A1- SAR 396 million &	Mixed-Use assignment

Country	Auction Year (latest)	Tenure	Orbital Location	Resource allocated	Assignment Method	Type of Service allowed	Auction Proceeds	Remarks
						Block A2 - MSS	A2- SAR 14.3million	
Thailand	2021 (on hold)	20 years	GSO	Spectrum landing rights + orbital slot	Auction	FSS, MSS, and other satellite services	-.	Four satellite orbital slot packages were opened for bidding
Mexico	-	-	GSO	Spectrum landing rights + orbital slot	Auction	-	-	-

Source: weblinks are detailed in Annexure

9. **Evidently, auction of spectrum is not only feasible, but is also gaining ground as a mode of allocating spectrum resources, even in countries with no legal binding such as India. Therefore, the Authority should reject all submissions for administrative allocation of all spectrum including feeder link spectrum.**

Country	Weblinks
Brazil	Available at <a href="https://spacenews.com/telesat-hispasat-and-yahsat-prevail-in-brazilian-slot-auction/">https://spacenews.com/telesat-hispasat-and-yahsat-prevail-in-brazilian-slot-auction/</a> , last accessed on 28 December 2021.
Saudi Arabia	Available at <a href="https://www.citc.gov.sa/ar/new/publicConsultation/Documents/PublicConsultation_EN_144303.pdf">https://www.citc.gov.sa/ar/new/publicConsultation/Documents/PublicConsultation_EN_144303.pdf</a> , last accessed on 28 December 2021.
Thailand	Available at <a href="https://www.bangkokpost.com/business/2207283/satellite-bid-in-limbo">https://www.bangkokpost.com/business/2207283/satellite-bid-in-limbo</a> , last accessed on 28 December 2021.
	Available at <a href="https://satelliteauction.nbtc.go.th/Download/Document/54.aspx">https://satelliteauction.nbtc.go.th/Download/Document/54.aspx</a> , last accessed on 9 December 2021.
Mexico	Various news-reports refer to auction