

RJIL/TRAI/2024-25/135

16th August 2024

To,

**Shri Akhilesh Kumar Trivedi,
Advisor (Networks, Spectrum and Licensing)**

Telecom Regulatory Authority of India,

Tower-F, World Trade Centre,

Nauroji Nagar, New Delhi - 110029

Subject: RJIL's counter comments on TRAI's Consultation Paper on "Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023".

Dear Sir,

Please find enclosed the counter comments of Reliance Jio Infocomm Limited (RJIL) on the Consultation Paper dated 11.07.2024 on **"Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023"**.

Thanking you,

Yours Sincerely,

For **Reliance Jio Infocomm Limited**

Kapoor Singh Guliani

Authorized Signatory

Enclosure: As above

**Reliance Jio Infocomm Limited's counter comments on TRAI's Consultation Paper on
"Framework for the Service Authorisations to be Granted Under the Telecommunications
Act, 2023" dated 11th July 2024**

1. Reliance Jio Infocomm Limited (RJIL) thanks the Authority for giving us the opportunity to respond to stakeholders' comments on the Consultation Paper on **"Framework for the Service Authorisations to be Granted Under the Telecommunications Act, 2023"**.
2. At the outset, we reiterate the key points of our submissions as herein below:
 - The structure of the authorization regime, as envisaged under section 3 and Section 56 of the Act, should include (i) the high-level rules, on the line of the guidelines for issuance of a license in the old regime, and (ii) the authorization agreement which include the detailed terms and condition of building network, provision of services etc. as covered in the current license agreements.
 - Telecom Rules should provide for a predictable, rational, transparent, level playing field and EODB based regulatory oversight.
 - Contractual nature of the terms and conditions of the licenses must be preserved, and all relaxations provided under new dispensation should be equally available to existing holders of Unified License authorisations.
 - The license fee or authorization fee should be charged only towards covering the cost of administrative expenses and should be less than 1% of AGR.
 - Till the utilisation of existing USO fund, no levy be charged from operators for Digital Bharat Nidhi. This levy, in the form of contribution to DBN on AGR basis, should be decided every year on the basis of annual likely expenditure for funding approved schemes.
 - Further, to incentivize the TSPs to cover rural areas, the rate of revenue share for USO Levy/DBN Contribution should be inversely proportional to the rural coverage done by any TSP.
 - A Pan India All Telecom Service Authorization ("ASA-India") should be introduced to enable provision of all services under the Act. This authorization should get the current Access Service, ISP and GMPCS license, which are access services for Internet and/or Voice to public, merged into it.
 - Carrier Service Authorization("CS-India") should allow only the Carrier Services to carry traffic of authorised/licensed service providers.
 - Other Service Authorization("OS-India") provide services other than Access and Carrier Services as detailed in our response to CP. This authorization should fold in the current PMRTS, CMRTS, VSAT, Audiotex etc.
 - There is a need to rationalize AGR definition by including only the revenue from telecom services under the Act in the GR as reduced by specific parameters detailed in preface of our response to CP.
 - All the relaxations provided to authorised entities under the Act should be equally applicable for TSPs under the Unified License regime.
3. We had the opportunity to go through the comments provided by various stakeholders and our issue wise counter comments on a few submissions are as below:

A. Structure of Authorizations under the Telecommunications Act 2023

4. A few stakeholders have submitted that there is a need to persist with the existing structure under the Unified License regime, while others have submitted drastic measures like keeping only the services requiring spectrum and numbering under licensing, while all other services can come under a general authorization. We do not agree with these submissions.
5. We submit that there is a need of balance between these two extremes, while the opportunity to simplify and relax the regulatory requirements should not be lost, at the same time we need to ensure continuity and no worse off scenario for existing licensees and to ensure that national security aspects are also not compromised.
6. Therefore, we had suggested a simplified 3 authorization structure, where all services offering voice and broadband access to public will come under the Access Service, carriage service will come under another authorization and all other services will come under the third authorization.
 - i. **Access Services:** will comprise the current Access Services, Internet Services, VSAT and Global Mobile Personal Communication by Satellite (GMPCS) services. OTT communication services will also be included as per the Telecommunication Act 2023.
 - ii. **Carrier Service:** The services used for carriage of telecommunication traffic inside and outside the country i.e. the merged version of existing NLD and ILD authorizations.
 - iii. **Other Services:** The services that are not providing Access Services e.g. broadband internet and voice services through terrestrial and/or satellite based network to the public or Carriage Services to the authorized entities.
7. We submit that this structure, with proposed simplification in our response will adequately address all concerns.

B. Citizen safety-related mobile satellite services

8. Some stakeholders have suggested a new sub-category of service authorization under the main authorisation category of Satellite-based Telecommunication Service called “Citizen safety-related mobile satellite services”. This sub-category is claimed to help provide a new type of satellite service (Emergency SoS) that will help users out of range of a terrestrial (mobile/Wi-Fi) network, use their device to initiate emergency communications over satellite.
9. We submit that this is nothing but Access service squarely covered. As submitted in our response, the satellite-based services will also comprise the access services under the Act, such a sub-classification will become redundant.

10. We further submit that this feature is nothing but an access service and with more technological developments, it will transcend the feature definition being proposed currently and will be used to offer services with many more features akin to current access services. Further, there will be critical requirements of user traceability, lawful interception and national security for these services. Therefore, in order to ensure that the same services are offered under same rules, these services should be permitted under access services authorizations only. .

C. Spectrum assignment for Satellite based services

1. A stakeholder has stated in its response that the spectrum for satellite based services (VSAT, GMPCS) should continue to be assigned administratively, as envisaged under the Telecom Act. **We do not agree with such views.**
2. In this regard, we wish to submit that the Act **does not mandate the administrative allocation as the only method of assignment of spectrum for satellite-based services.** First Schedule to the Telecommunication Act have listed certain spectrum use cases, based on ongoing adhoc policy of administrative assignment without going into the study of technical and economic feasibility of auction or without the recommendation of TRAI being an expert body in this field. Therefore, **all entries in the First Schedule for usages of spectrum for providing commercial services should be tested for compliance with subsections (i), (ii), and (iii) of section 4(5)(a) of the Act.**
3. The fast-evolving technology landscape has resulted in rapidly changing use cases and the refarming of spectrum from one type of use to another. Several examples of such refarming have been observed in recent years. For instance, administratively assigned spectrum in the 3.5 GHz band for LMDS systems has been refarmed and auctioned for 5G/IMT services. Similarly, the 26 GHz/28 GHz band spectrum, initially intended for backhaul, has been refarmed and auctioned for 5G. Additionally, the 6 GHz spectrum is planned to be refarmed from satellite use to IMT use. Many other spectrum bands are being transitioned from defense, satellite, and backhaul uses to Access Services. Moreover, Act envisaged flexible use of spectrum which is appropriate approach for optimum use of scarce resources.
4. Parliament, while enacting the Indian Telecommunication Act, 2023, was conscious of the rapidly changing technological landscape. **Consequently, provisions for the amendment of entries in the First Schedule have been included. Specifically, Section 4(5)(a) and Section 57(1)(a) of the Act allow for such amendments. Therefore, the existing entries in the First Schedule are not permanent and can be modified. In fact, all such entries are subject to review and amendment whenever the opportunity arises. Given that the current policy for administrative assignment is adhoc, and all assignments done administratively have been on an adhoc basis, and a large number of new NGSO constellation entities have sought license and are seeking assignment of spectrum, is the perfect opportunity to review the methodology of assignments and finalize the entries in the First Schedule of the Act for satellite based communication services.**

D. Enhancing the scope of Internet Service

11. Some stakeholders have submitted that the scope of service of Internet Services should be enhanced by permitting offering of leased circuits/ Virtual Private Networks. We submit that there is no case for this enhancement of scope as Internet services should be included in the scope of Access services only.
12. Further, even under the existing UL regime there is no entry barrier for Internet Service providers to avail NLD or Access Authorization and offer these services and therefore, the demands are not justified.

E. Assigning spectrum to other service providers for services such as CNPN and M2M & IoT

13. Some stakeholders have again raised the issue of assignment of spectrum directly to enterprises and other service providers for services such as CNPN and IoT.
14. We submit that this is a settled issue, however, is being raised multiple times to get free spectrum at the cost of Exchequer. The spectrum assignment policy for any commercial/non-commercial network is settled to be through auction only. The policy is also reaffirmed under the Telecommunication Act 2023. Accordingly, such suggestions should be ignored, and all spectrum assignment should continue to be through auction of spectrum.