

**Reliance Communications Limited's Response to the
Consultation Paper on In-Building Access by Telecom Service Providers**

Executive Summary

- A. **Mandating provisioning of operator agnostic infrastructure within a building else it should be brought under the ambit of anti-competitive practices.**
- B. **There is an urgent need for legal intervention by the authorities to prevent the discriminatory, predatory and anti-competitive practices of the building owners.**
- C. **Sharing of IBS telecom infrastructure, within a premise / building should be made mandatory. If there is no scope for sharing the existing IBS then installation of additional IBS by other TSPs should be mandatorily permitted.**
- D. **New buildings and the building undergoing major renovation should be given Completion Certificate only after they submit compliance on provision of Common Telecom Infrastructure.**
- E. **The TSPs should be given legal rights to use the common telecom infrastructure within a building and its premises free of cost just as other essential services like water and electricity.**
- F. **Mandating the availability of power at the government regulated rate to avoid any arbitrariness and indulgence in anti-competitive practices by the building owners.**
- G. **For sharing the infrastructure, the commercial terms and conditions for both Existing and New buildings should be left to non discriminatory mutual agreements as any mandate on this will increase inefficiency in the system. All the TSPs, seeking access to the IBS, can be mandated to share the actual CAPEX and OPEX of the IBS installing TSP / IP – 1.**
- H. **Builders should be mandated to inventory their riser space, cabling and wiring in the riser so that such space can be allocated to TSPs for provisioning telecom services to their subscribers occupying that building.**
- I. **Any building should be issued the completion certificate only after ensuring the provisioning of Common Telecom Infrastructure.**
- J. **The respective circle TERM cells can be made responsible for approving the building plan, firstly to define the common telecom infrastructure facilities to be created within the building and secondly, to provide the 'Completion Certificate' once the building is completed.**
- K. **Building owner(s) should be mandated to declare the point where telecom wiring enters the building as minimum point of entry (MPOE).**
- L. **All tenants of the residential building should be mandated to use the common telecom infrastructure of the building and should not be allowed to use any other area for extending connectivity to their residence.**

- M. **Builder should not be allowed to enter into agreement with TSPs / IP -1s that have the effect of restricting access to other TSPs.**
- N. **The restrictive RoW policies of local bodies that prevent development of backhaul infrastructure for extending the connectivity to the premises too need to be simplified for arriving at a holistic solution to this vexed problem.**
- O. **The Indian government should prevail upon the local state governments and municipal agencies to facilitate free and time bound RoW clearances.**
- P. **E-band and V-band should be allocated for use in India at the earliest with light touch regulatory regime.**

Our specific comments on the issues posed by the Authority are given in the subsequent paragraphs.

Detailed Response

Question 1: Do you agree that there is a need to address the issues discussed in this consultation paper or the market is capable of taking care of these issues without having any policy intervention / guidelines in this regard?

Our Response

Yes, there is an urgent need to address the issues discussed in this consultation paper through active policy intervention / guidelines as the competitive market forces have prohibited prevalence of healthy co-existence of the operators resulting in denial of services as per the choice of the users.

1. Internet had enabled evolution of not only a connected country but a connected world. Each and every individual, from a child, to a young individual to the elders have no choice but to be a part of this connected world. If its gaming for the children, its day to day utilities and information searches for the adults and health related connected devices for the elderly that are required to be connected, especially health monitoring devices that need to send instant feedback in an emergency situation. Therefore, availability of seamless and ubiquitous connectivity using a single and (or) multiple devices, while being stationary or on the move, outside a building or within a building has become a necessity. Selective availability of wireless / wired connectivity to the residents / visitors to a building due to exclusive agreements between the premise owners and a single or limited number of service providers is a highly discriminatory and anti-competitive practice and needs to be curbed for the larger good of the country's population.
2. Despite the operators' willingness to fulfill their mandated rollout obligations which are implicit to the purchase of spectrum by them, the operators are unable to ensure a seamless and ubiquitous connectivity for no fault of theirs due to the restrictive practices being followed by the building owners. The consultation paper has given the example of DMRC being a registered IP-1 infrastructure provider, however, it is brought out that DMRC provisions towers only on their over ground stations. The availability of mobile services connectivity within their underground stations and tunnels is limited to subscribers of certain / limited operators only.

3. Telecom services have become essential service like water supply, electricity supply and fire safety. Unavailability / restricted access of Common Telecom Infrastructure in multi-tenant building is a big deterrent for Telecom Service Provider to provision the telecom service to the end tenant / subscriber. The current building by-laws do not deem telecom services as an essential service therefore builders are not creating necessary / common telecom infrastructure. Moreover, they are reaping the additional income by just giving access to minimum infrastructure to the TSPs. Therefore, the building by-laws should include the creation of 'Common Telecom Infrastructure' wherein the **new buildings and the building undergoing major renovation should be given Completion Certificate only after they submit compliance on provision of Common Telecom Infrastructure.**

Our Recommendations

4. **It is therefore imperative that the issue of provisioning access and provisioning of services within a building should be mandated to be operator agnostic.**
5. **Since the market forces have succumbed to the discriminatory, predatory and anti-competitive practices of the building owners, there is an urgent need for legal intervention by the authorities, in the best interest of the citizens of India.**
6. **New buildings and the building undergoing major renovation should be given Completion Certificate only after they submit compliance on provision of Common Telecom Infrastructure.**

Question 2: How can sharing of telecom infrastructure inside a residential or commercial complex / airport / hotels / multiplexes etc among service providers be encouraged? Should the sharing of such telecom infrastructure be made mandatory?

Question 3: In view of the international practices given in para 18 - 23 of Chapter - II of the Consultation Paper, what provisions should be included in the National Building Code of India to facilitate unhindered access for all the TSPs?

Our Response

Yes, the sharing of such telecom infrastructure, within a premise / building should be made mandatory.

If there is no scope for sharing the existing IBS then installation of additional IBS by other TSPs should be mandatorily permitted.

1. The government of India has taken multipronged initiatives to harness the power of networks for transforming India into a modern and digitized country. The success of initiatives such as 'Digital India', 'Smart Cities' and introduction of M2M services mandates availability of high speed, high capacity connectivity. This connectivity has to be made available to the user right upto the place where the user is likely to utilize these services, i.e. within his office, his home, or the modern shopping arcades. Consequently, it is imperative that apart from the initiatives of various countries listed in the consultation paper, following provisions be included in the National Building Code of India to facilitate unhindered access for all the TSPs.
 - a. Mandating provisioning of operator agnostic infrastructure within a building else the practice should be brought under the ambit of anti-competitive practices.

- b. The TSPs should be given legal rights to use the common telecom infrastructure within a building and its premises free of cost just as other essential services like water and electricity.
- c. Mandating the availability of power at the government regulated rate to avoid any arbitrariness and indulgence in anti-competitive practices by the building owners.
- d. Since, there are various complexities involved in the installation of In-building solution, which need to be dealt on a case by case basis, the authority can
- e. For sharing the infrastructure, the commercial terms and conditions for both Existing and New buildings should be left to non discriminatory mutual agreements as any mandate on this will increase inefficiency in the system. All the TSPs, seeking access to the IBS, can be mandated to share the actual CAPEX and OPEX of the IBS installing TSP / IP – 1.
- f. Builders should be mandated to inventory their riser space, cabling and wiring in the riser so that such space can be allocated to TSPs for provisioning telecom services to their subscribers occupying that building.
- g. Any building should be issued the completion certificate only after ensuring the provisioning of Common Telecom Infrastructure.
- h. The respective circle TERM cells can be made responsible for approving the building plan, firstly to define the common telecom infrastructure facilities to be created within the building and secondly, to provide the 'Completion Certificate' once the building is completed.
- i. Building owner(s) should be mandated to declare the point where telecom wiring enters the building as minimum point of entry (MPOE).
- j. All tenants of the residential building should be mandated to use the common telecom infrastructure of the building.
- k. Builder should not be allowed to enter into agreement with TSPs / IP -1s that have the effect of restricting access to other TSPs.

Our Recommendations

In order to facilitate establishment and sharing of infrastructure within a building following measures are suggested to be adopted,

- 2. Mandating provisioning of operator agnostic infrastructure within a building else the practice should be brought under the ambit of anti-competitive practices.**
- 3. Sharing of IBS telecom infrastructure, within a premise / building should be made mandatory. If there is no scope for sharing the existing IBS then installation of additional IBS by other TSPs should be mandatorily permitted.**
- 4. The TSPs should be given legal rights to use the common telecom infrastructure within a building and its premises free of cost just as other essential services like water and electricity.**

5. **Mandating the availability of power at the government regulated rate to avoid any arbitrariness and indulgence in anti-competitive practices by the building owners.**
6. **For sharing the infrastructure, the commercial terms and conditions for both Existing and New buildings should be left to non discriminatory mutual agreements as any mandate on this will increase inefficiency in the system. All the TSPs, seeking access to the IBS, can be mandated to share the actual CAPEX and OPEX of the IBS installing TSP / IP – 1.**
7. **Builders should be mandated to inventory their riser space, cabling and wiring in the riser so that such space can be allocated to TSPs for provisioning telecom services to their subscribers occupying that building.**
8. **Any building should be issued the completion certificate only after ensuring the provisioning of Common Telecom Infrastructure.**
9. **The respective circle TERM cells can be made responsible for approving the building plan, firstly to define the common telecom infrastructure facilities to be created within the building and secondly, to provide the ‘Completion Certificate’ once the building is completed.**
10. **Building owner(s) should be mandated to declare the point where telecom wiring enters the building as minimum point of entry (MPOE).**
11. **All tenants of the residential building should be mandated to use the common telecom infrastructure of the building.**
12. **Builder should not be allowed to enter into agreement with TSPs / IP -1s that have the effect of restricting access to other TSPs.**
13. **The Indian government should prevail upon the local state governments and municipal agencies to facilitate free and time bound RoW clearances similar to what has been done for Bharatnet.**

Question 4: Any other option, which in your view, could resolve the issues discussed in this consultation paper?

Our Response

Additionally, the restrictive policies of local bodies that prevent development of backhaul infrastructure for extending the connectivity to the premises too need to be simplified for arriving at a holistic solution to this vexed problem.

1. An in building service provisioning infrastructure needs to be connected and supported with a backhaul network. Therefore, it is imperative that the backhaul infrastructure is viewed as being complementary to the in-building systems. Development of backhaul network, especially cables and fibre based terrestrial network, requires Right of Way (RoW) permissions from the local municipal authorities. The industry has been consistently highlighting the issue of arbitrariness of levies and prolonged delay for clearances to the authorities.
2. Adequate measures for facilitating RoW have already been suggested in our response to TRAI's earlier consultation on Broadband services. However, we would like to highlight the

RoW facilitation model adopted by the Canadian wherein, the Canadian government has promulgated that the prohibition, restriction or regulation of land for its use for development of a wireless telecommunications facility does not rest with the Land-Use Authority so that zoning and other laws do not interfere with federal undertaking for infrastructure projects such as cellular networks. Industry in Canada is aware that once a participating land-use authority is contacted, the consultation process is to be and shall be concluded within 120 days. Accordingly, it is felt that for supporting establishment of credible in-building infrastructure, the authority's as well as the Govt's intervention is imperative to impress upon all the state and local municipal bodies to liberalize RoW permissions for extending backhaul connectivity to the buildings. Towards this end, it is suggested that the **Indian government should prevail upon the local state governments and municipal agencies to facilitate free and time bound RoW clearances.**

3. Allocation of E-Band & V-Band.

- a. Government's initiatives like SMART cities would use smart technologies with state-of-the-art infrastructure. There will be supporting machine-to-machine (M2M) and machine-to-machine-to-human (M2M2H) communications in the SMART cities with high Internet access across wireline and wireless networks. To cater to this high speed in the access network and huge amount of data / traffic that would be generated using these networks, there will be continuous need to deploy more backhaul transmission capacity. TRAI in past has recommended that the usage of high capacity backhaul E-band (71-76 / 81-86 GHz) and V-band (57-64MHz) may be explored for allocation to the telecom service providers. However, these recommendations are yet to be implemented by the DoT.
- b. E- band and V- band are already de-licensed in multiple countries and in use with light touch regulatory regime. In light of deployment of new mobile technologies, it is right time to allocate the same in India also to ensure good quality of service and high throughput. These frequencies will also play an important role in backhauling Wi-Fi and offloading the networks. Further, these new bands are useful for providing rapid and economical deployment for dense urban routes as last mile solutions because these frequency bands are expected to decrease CAPEX, OPEX for service providers, interference between the mobile sites and reduce pressure on fiber based services to provide backhaul solutions especially in urban areas where obtaining ROW clearances are very difficult and further deployment itself is not feasible. Therefore, it is recommended that **E-band and V-band should be opened for use in India at the earliest with light touch regulatory regime.**

Our Recommendations

4. **The restrictive RoW policies of local bodies that prevent development of backhaul infrastructure for extending the connectivity to the premises too need to be simplified for arriving at a holistic solution to this vexed problem.**
5. **Indian government should prevail upon the local state governments and municipal agencies to facilitate free and time bound RoW clearances.**
6. **E-band and V-band should be allocated for use in India at the earliest with light touch regulatory regime.**